

MACGDEN1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

20 Cr. 623 (JSR)

5 WILLIE DENNIS,

6 Trial

7 Defendant.

8 -----x

9 New York, N.Y.
October 12, 2022
10 9:30 a.m.

11 Before:

12 HON. JED S. RAKOFF,

13 District Judge
14 and a Jury

15 APPEARANCES

16 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

17 SARAH KUSHNER

STEPHANIE SIMON

18 KIMBERLY RAVENER

Assistant United States Attorney

19 WILLIE DENNIS, Pro Se

20 Also Present:

21 Colleen Geier, Paralegal

22 Elisabeth Wheeler, FBI

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(In open court; jury not present)

THE DEPUTY CLERK: This is October 12th, 2022, the continuation of the United States v. Willie Dennis.

THE COURT: Good morning. Please bring in the jury and please get the next witness on the stand.

MS. SIMON: Your Honor, we've left in a folder one document that we intend to show the witness on the witness' table.

THE COURT: Okay.

MS. SIMON: Thank you.

(Continued on next page)

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Cottle - Direct

1 (Jury present)

2 THE COURT: Good morning, ladies and gentlemen. I
3 thank you very much for your promptness. I have to reveal to
4 you that I am a devout Yankees fan, so I'm in a very good mood.
5 If any of you are Cleveland fans, you have my deep condolences.

6 Please call your next witness.

7 MS. SIMON: The government calls Eric Cottle.

8 ERIC COTTLE,

9 called as a witness by the Government,

10 having been duly sworn, testified as follows:

11 THE DEPUTY CLERK: State your name and spell is slowly
12 for the record.

13 THE WITNESS: My name is Eric with a C, last name
14 Cottle, C-O-T-T-L-E.

15 THE COURT: Counsel.

16 DIRECT EXAMINATION

17 BY MS. SIMON:

18 Q. Good morning, Mr. Cottle.

19 A. Good morning.

20 Q. What do you do for a living?

21 A. I'm an attorney. Specifically, I'm a partner at the law
22 firm of K&L Gates.

23 Q. What is K&L Gates?

24 A. K&L Gates is a global law firm with about 2,000 lawyers,
25 about 44 offices across the globe.

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Cottle - Direct

1 Q. How long have you worked at K&L Gates?

2 A. I've worked at K&L Gates for 18 years.

3 Q. What is your current position at K&L Gates?

4 A. I'm a partner at K&L Gates.

5 Q. Can you explain to the jury what a partner is?

6 A. Sure. Well, when I started K&L Gates, you're an associate,
7 just kind of coming out of law school and kind of got to work
8 your way through. And eventually, I was elevated to a partner
9 in 2008. And partners are responsible for a number of things.
10 Briefly, we're responsible for bringing in revenue for the
11 firm, expanding our firm's business, are responsible for
12 training other junior lawyers on our matters. There are
13 different committees that partners work for in the firm, kind
14 of firm governance as well.

15 Q. You mentioned that K&L Gates has multiple offices. Are you
16 based in a particular office?

17 A. I'm based out of our office in New York City.

18 Q. And where is the New York office of K&L Gates located?

19 A. The New York office of K&L Gates is on Lexington and
20 53rd Street in New York City.

21 Q. What kind of law do you practice, Mr. Cottle?

22 A. I'm a trial attorney, a litigator. I represent companies
23 in the courtroom, and I've been doing that ever since I was at
24 the firm.

25 Q. Do you know an individual by the name of Willie Dennis?

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Cottle - Direct

1 A. I do, yes.

2 Q. Do you see Mr. Dennis in the courtroom today?

3 A. I do.

4 Q. Can you please describe for us where he is seated and an
5 article of clothing --

6 THE COURT: We have been through all that rigmarole.
7 Why don't you just point him out.

8 THE WITNESS: Mr. Dennis is to your right sitting
9 at --

10 THE COURT: Record will reflect the identification of
11 the defendant.

12 MS. SIMON: Thank you, your Honor.

13 BY MS. SIMON:

14 Q. Mr. Cottle, how do you know Mr. Dennis?

15 A. Mr. Dennis was a partner at my law firm; my law firm, K&L
16 Gates.

17 Q. During what time period did the defendant serve as your
18 partner at K&L Gates?

19 A. Well, I became a partner -- okay, so 2008, I believe
20 Mr. Dennis was already a partner there. So I guess we were
21 partners together in 2008.

22 Q. Was there a time when the defendant stopped working at K&L
23 Gates?

24 A. Yes. That was in May of 2019.

25 Q. What happened in May of 2019?

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Cottle - Direct

1 A. Mr. Dennis was expelled from the firm then.

2 Q. When Mr. Dennis worked at K&L Gates, was he based at a
3 particular office?

4 A. Yeah. He worked in the New York office, yes.

5 Q. Prior to 2019, what was the nature of your relationship
6 with the defendant?

7 A. I thought it was good, had a good relationship, cordial,
8 worked together on matters, worked together on business
9 development. So I would say it was a good, healthy
10 relationship.

11 Q. How, if at all, did that relationship change over time?

12 A. Well, it eventually changed over time right around the 2019
13 period, just before he was expelled from the law firm. It
14 changed right around that time. And I guess Mr. Dennis, you
15 know, had issues with the law firm at the time and -- regarding
16 compensation and other matters -- and it just -- our
17 relationship just ceased to becoming a professional
18 relationship. And it just kind of didn't -- it wasn't in the
19 same place it was before.

20 Q. You testified earlier that the defendant was terminated
21 from K&L Gates in May of 2019. Did you see the defendant after
22 he stopped working at the firm?

23 A. Yes, I did.

24 Q. Where did you see him?

25 A. I saw Mr. Dennis in Washington, DC at a conference in June,

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Cottle - Direct

1 early June of 2019.

2 Q. What conference was that?

3 A. It was the Corporate Counsel Men of Color conference.

4 Q. What is the Corporate Counsel Men of Color conference?

5 A. Lawyers go to conferences all the time. So this was a
6 conference with professional black lawyers or other black
7 professionals, where we meet every year to network, exchange
8 ideas. It's an opportunity for me to introduce myself and my
9 law firm to other lawyers there and for me to meet other
10 individuals. It's a good opportunity to network. There's
11 other things associated to that conference with men's health,
12 black men's health, et cetera, et cetera. It was a one-day
13 conference.

14 Q. As part of your duties as a partner at K&L Gates, do you
15 regularly attend professional conferences?

16 A. Yes, I do.

17 Q. You touched on this a bit already, but why do you attend
18 such events?

19 A. Well, as I said before, partners are -- one of our
20 responsibilities are generating business. So a lot of these
21 conferences, they have other lawyers, decision-makers that work
22 for companies. So I would attend these conferences to meet
23 other lawyers. They're professional development conferences as
24 well, so there's a good opportunity to network, introduce
25 myself to other lawyers. Sometimes we get to speak at these

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Cottle - Direct

1 conferences. I wrote a chapter of a book, and sometimes we
2 talk about that there at the particular conference. It's a
3 good opportunity for me to get to know other lawyers, for other
4 lawyers to get to know me and my law firm, ways to build
5 relationships. So later on, down the road, we follow up on the
6 conferences, so later we will have further meetings. Maybe one
7 day they'll be my clients eventually or other opportunities.
8 So we go to -- I go to those conferences for those reasons,
9 amongst others, as well.

10 Q. What happened when you saw the defendant at the conference?

11 A. So this was -- back to the CCWC conference -- so the
12 night -- the evening before the actual conference started,
13 there was a networking event at the hotel. And I saw
14 Mr. Dennis while I was with other lawyers. I think I was at
15 the bar just having a drink and eating hors d'oeuvres. And I
16 think our eyes met at that networking event at the conference.

17 Q. What happened next?

18 A. Our eyes met, and I think we exchanged pleasantries. I
19 think I said, hey, Willie -- I called him Willie at the time --
20 I might have said something like how are you doing, might have
21 asked him about his kids, something that I would continue to
22 do, how are your boys.

23 And then after that, Willie kind of just was pretty angry
24 at me. And he mentioned that the firm took -- the law firm
25 took his healthcare away, he wasn't provided due process, he

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Cottle - Direct

1 doesn't have healthcare for his family, kind of things along
2 that line.

3 Q. How would you describe the defendant's demeanor during this
4 conversation?

5 A. Well, I was surprised. It was pretty -- he was pretty
6 upset, passionate. And it was -- I'm not going to say it was
7 loud, but it was -- I was uncomfortable with the conversation
8 because there was other people around. So I might have said,
9 hey, calm down or something or the other. But it was -- it was
10 aggressive, I would say.

11 Q. Why were you uncomfortable?

12 A. Well, number one, there were just other lawyers around.
13 This is a conference primarily for African-American men. So
14 there were other just lawyers and I had a guest there. And the
15 topics were just not appropriate, I thought, for just talking
16 about this in the open the way we were. So I was
17 uncomfortable. And it was unexpected to even see him or
18 discuss it at the moment.

19 Q. Why was it unexpected to see the defendant?

20 A. Well, I knew he was expelled from the firm, and I just
21 totally did not expect to see him at the conference. I was
22 surprised to see him there. It was in Washington, DC. I
23 didn't expect to see him at the conference.

24 Q. After the defendant approached you, what happened next?

25 A. After we exchanged words, I think I left. I looked around,

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Cottle - Direct

1 I said -- I was uncomfortable. I said -- I left, went
2 somewhere else, and eventually went up to my room.

3 Q. What happened when you went up to your room?

4 A. Well, went up to the room, probably getting ready -- going
5 through my emails that I missed while I was downstairs. One of
6 the first things I noticed, there was a few text messages from
7 Mr. Dennis on my cell phone.

8 Q. After you saw those text messages, what happened?

9 A. Well, there were more than one. There were several. They
10 kept kind of coming in. So I think I just sat down and started
11 kind of reading the text messages.

12 Q. Mr. Cottle, there's a document sitting in front of you
13 marked for identification as Government Exhibit 518-A.

14 Do you recognize it?

15 A. I do.

16 Q. What is it?

17 A. So this appears to be -- well, this is the printed text
18 messages from Mr. Dennis that he sent to my cell phone
19 Thursday, June 6th, 2019.

20 Q. How do you recognize it?

21 A. Well, Mr. Dennis is in my cell phone, so it would be
22 Willie E. Dennis with his phone number underneath. And I
23 remember these messages from receiving them.

24 Q. Turning to the last page of that document.

25 A. Yes.

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Cottle - Direct

1 Q. Do you see a redaction there?

2 A. I do.

3 Q. Other than that single redaction, is this a true and
4 accurate copy of the text messages you received from the
5 defendant?

6 A. Yes.

7 MS. SIMON: The government offers Government
8 Exhibit 518-A.

9 THE COURT: Any objection?

10 MR. DENNIS: No objection, your Honor.

11 THE COURT: Received.

12 (Government Exhibit 518-A received in evidence)

13 MS. SIMON: Your Honor, may I have permission to
14 publish it to the jury.

15 THE COURT: Yes.

16 BY MS. SIMON:

17 Q. Mr. Cottle, drawing your attention to the very top left
18 corner, can you read the name and the phone number next to the
19 arrow.

20 A. Sure. It is Willie E. Dennis, phone number is
21 646-418-3329.

22 Q. Whose telephone number is that?

23 A. That would be Mr. Dennis' cell phone.

24 Q. How do you know that?

25 A. That's the contact that was in my phone and that's the

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Cottle - Direct

1 number we used to communicate on.

2 Q. Without saying your full phone number, what are the last
3 four digits of the phone number that you received these
4 messages on?

5 A. 9316.

6 Q. Is that still your phone number?

7 A. Yes, it is.

8 Q. What is the date of the first message?

9 A. The first message is Thursday, June 6th, 2019.

10 Q. What was happening on June 6th, 2019?

11 A. So this was the CC -- this was the evening of the CCMC
12 conference. Like I said, this is the day before the actual
13 conference started on the 7th.

14 Q. Is CCMC short for Corporate Counsel Men of Color?

15 A. Yes, it is.

16 Q. What time was the first message?

17 A. The first message is 9:08 p.m.

18 Q. Perhaps look a little closer.

19 A. I'm sorry, 9:06 p.m.

20 Q. Apologies, I know that is a little small.

21 A. I don't have my glasses.

22 Q. Mr. Cottle, what was the time of the last message you
23 received from the defendant?

24 A. The last message is 7:05 a.m. on Friday, June 7th, 2019.

25 Q. How many messages did you receive from the defendant

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Cottle - Direct

1 between 9:06 p.m. on June 6th and 7:05 a.m. on June 7th?

2 A. 23.

3 Q. Did you respond to any of those messages?

4 A. I did not respond to any.

5 Q. Starting with the first message, can you please read aloud
6 the first three messages, reading both the time stamp and the
7 contents of the message.

8 A. Okay. The first message is June 6th, 2019. The time stamp
9 is 9:06 p.m., and the message reads, keep on striving. My kids
10 will appreciate it. What is happening with Jack.

11 Btw, we should meet for breakfast. So much to catch up
12 on... brother.

13 Also glad I was able to introduce you to the folks at CCWC
14 and CMC. Sure the brothers will appreciate someone with your
15 character.

16 Q. Mr. Cottle, you can stop there. Thank you.

17 Drawing your attention to the first message, who do you
18 understand Jack to be a reference to?

19 A. Jack would be another attorney that we know.

20 Q. Did you understand why Mr. Dennis was referencing him in
21 these messages to you?

22 A. No.

23 Q. And why not?

24 A. First of all, I was stunned that I was getting any of these
25 messages, and Willie was no longer with the firm, so I -- I was

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Cottle - Direct

1 just surprised that I was receiving these messages in the first
2 place. But no, I had no reason why he would say what is
3 happening with Jack.

4 Q. Drawing your attention to the second message. What does
5 btw mean?

6 A. I understand it to be by the way.

7 Q. What do you understand the rest of that message to mean?

8 A. Well, then I was really confused too. We should meet for
9 breakfast, so much to catch up on brother. I didn't know what
10 it meant, honestly. I don't know what we had to catch up on.
11 I was just getting a little worried.

12 Q. What does the term brother mean to you?

13 A. Brother is what sometimes black men call each other,
14 brother, term of endearment, could be, my brother. Sometimes
15 we greet each other that way as well.

16 Q. Drawing your attention to the third message, the one that
17 begins also glad.

18 A. Mm-hmm.

19 Q. What do you understand the letters CCWC to be a reference
20 to?

21 A. Sure. CCWC is Corporate Counssel Women of Color.

22 Q. And what do you understand CMC to be a reference to?

23 A. It could be corporate men's conference, maybe, I think.
24 But I know CCMC. Could be corporate men's conference.

25 Q. Drawing your attention to the second sentence in that

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Cottle - Direct

1 message, the one that reads, sure the brothers will appreciate
2 someone with your character. What do you understand that
3 message to mean?

4 A. Well, my character is coming in now, so here we are -- I
5 was really confused. I don't know what he meant by that. I
6 was reading it and I was getting concerned about it.

7 (Continued on next page)

MacWden2

Cottle - Direct

1 BY MS. SIMON:

2 Q. Why were you concerned about it?

3 A. Because I didn't want to deal with -- I didn't know what
4 was going on, honestly. I didn't expect any of this to come
5 up. I didn't expect to get text messages. I didn't expect to
6 see Willie, didn't expect to see him the day before. Didn't
7 expect to get 23 email messages the night before the
8 conference. It was very puzzling and confusing. I remember
9 being concerned a little bit about what my day might look like
10 tomorrow.

11 Q. Can you start reading the messages again starting, with "my
12 kids"?

13 A. Sure. 9:12 p.m. "My kids, so what? Right. I am
14 concerned about you really. Well, what about my kids?"

15 Sorry. That was 9:13 p.m.

16 9:14 p.m., "they cut their health insurance immediately.
17 Is that what you are concerned about?"

18 9:15 -- that might be part of 9:14. "I always knew, hoped
19 some goodwill and introductions would help. Take, take, take."
20 And then 9:15, "striving."

21 Q. You can go ahead and read the next two messages as well,
22 please.

23 A. OK. "And laughing about it, the big joke, as Joe mentioned
24 at dinner, and you said, let's no and then went home and
25 laughed about it (my kids) with your boy...right?"

MacWden2

Cottle - Direct

1 This is 9:18. "Did you give Joe your 5K?"

2 Q. You can stop there, Mr. Cottle. Thank you.

3 Did you understand these messages when you received them?

4 A. I was actually very confused. No, no. Health care, no. I
5 knew, there's a dinner that Willie -- Mr. Dennis -- and I
6 attended. Joe, this \$5,000 comes up once in a while, but as a
7 whole, I was just, you know, I wasn't expecting to get any of
8 these messages at this point.

9 Q. Had Mr. Dennis referenced his children's health insurance
10 before?

11 A. Only the night -- sorry. Only earlier that evening he did.

12 Q. Were you aware of any cutting of Mr. Dennis's children's
13 health insurance?

14 A. I don't have any firsthand knowledge of any of that stuff.
15 Health insurance --

16 Q. Were you involved in anything like that?

17 A. No, I was not involved in his termination.

18 Q. Turning to the reference to Joe in the last two messages,
19 who do you understand Joe to be?

20 A. That would be Joe Draytoon. He was at the time the
21 president of the National Bar Association.

22 Q. What is the National Bar Association?

23 A. That's another -- that's the largest, actually,
24 professional bar association for African American lawyers,
25 founded in 1932. But it's really big. You know, I was a

MacWden2

Cottle - Direct

1 member at the time. They meet every year and have lots of
2 committees. They talk about a lot of cutting-edge issues. We
3 get CLEs, continuing legal education at these conferences, meet
4 clients there, meet potential clients at these conferences.
5 It's a really big and amazing conference.

6 Q. What did you understand these two messages referencing Joe
7 to be about?

8 A. Oh, about a dinner that we had with Joe about sponsorship,
9 our firm sponsoring part of some of the conference.

10 Q. At this time, after the defendant had been expelled from
11 the law firm, did you have an understanding why you were
12 receiving these messages from him?

13 A. I don't -- no, I don't.

14 Q. Mr. Cottle, can you please start reading again at the
15 message that begins "what did you say"?

16 A. Sure. 9:20 p.m., "what did you say 'I am here to expand
17 the empire' without...right?"

18 9:22 p.m. "Was that your MO in Pittsburgh? Is that why
19 there are no other partners there? We have Eric."

20 9:23 p.m. "I cannot wait until the next time I hear you
21 talk about brotherhood with someone."

22 9:26 p.m. "Laughing with him now, right?"

23 9:29 p.m. "Lost the 15K we were getting every year, a real
24 asset."

25 9:31. "Going to try to pick my pocket and tell me 'I am

MacWden2

Cottle - Direct

1 concerned about you.'" "

2 Q. You can stop there. Thank you.

3 Mr. Cottle, the reference to 15K in the message from 9:29
4 p.m., what do you understand 15K to mean?

5 A. That would be something with Willie and maybe his
6 compensation at the firm, firm-related, that he -- yeah, that
7 would be between Willie and the law firm.

8 Q. And drawing your attention to the message at 9:23 p.m. --

9 A. Correct.

10 Q. -- "I cannot wait until the next time I hear you talking
11 about brotherhood with someone." What do you understand that
12 message to mean?

13 A. Well -- I'm sorry.

14 You know, I was really concerned when I, when I saw this,
15 because Willie was at a conference with other Black men,
16 professionals. I don't know if this was a threat. I was just
17 concerned when I saw that brotherhood stuff, because he was
18 obviously at this conference.

19 Q. And why would that be concerning to you?

20 A. Well, it's a professional conference, and, you know, I've
21 been to many conferences. It's not that -- they pretty much go
22 automatic, and so it, it's a positive kind of uplifting event,
23 especially when Black men get together. Our reputation is at
24 stake. A lot of us professional Black men that go to these
25 conferences -- they're at nice hotels, nice cities -- we're

MacWden2

Cottle - Direct

1 kind of proud that they're there to walk around. So you know,
2 I was concerned. I was pretty concerned. It was a big deal
3 that we were having this conference at this nice hotel, nice
4 venue, when we get together.

5 Q. Can you please read the next message, the one that begins
6 "are you"?

7 A. Oh. OK. 9:32. "Are you testifying against me well" --
8 sorry. Strike that. "Are you testifying against me as
9 well...brother?"

10 9:57. "All a big game, right? OK. Let's play."

11 Q. You can stop there.

12 What do you understand those messages to mean?

13 A. Well, whatever he was talking about is on; I was saying
14 something's going on. I think it was late at night. I think I
15 just wanted to go to bed, maybe this would go away, honestly.
16 But I'm just trying to understand why I'm getting all these
17 messages now.

18 Q. How did you react to the messages you received on the
19 evening of June 6?

20 A. Well, I was pretty concerned right there. The last one was
21 pretty concerning. In my mind, going through that, I was
22 hoping that when I woke up the next day they would not be there
23 probably. I probably went to sleep right after that, trying to
24 get ready for the next day.

25 Q. Can you start reading the messages from the morning of June

MacWden2

Cottle - Direct

1 7 --

2 A. 5:15 a.m. "Invested all that time in you and now you will
3 not...really."

4 5:17. "And without due process, top litigator on the
5 planet."

6 5:18. "So what do we talk about, the weather?"

7 Q. You can keep reading, the next message, please.

8 A. "You are the partner designated by the firm to expand the
9 empire on the East Coast, including" blank "and you're" --
10 sorry. "And you know I have lost my health insurance for my
11 kids without due process."

12 6:07 a.m. "Today, let's run our views by independent
13 people at the conference to see if they can identify a path
14 forward."

15 7:05 --

16 Q. You can stop there. Thank you.

17 Focusing on the last sentence you just read, "today let's
18 run our views by independent people at the conference to see if
19 they can identify a path forward," what do you understand that
20 message to mean?

21 A. Well, at the time I was thinking that I'm going to --
22 Willie's going to approach me tomorrow in front of -- I mean
23 later today. I don't understand what he's meaning by any of
24 this stuff. And it just -- I think as I'm shaking my head now
25 reading it, I think I was probably doing the same thing then.

MacWden2

Cottle - Direct

1 "Let's run it by independent people at the conference to see if
2 they can identify a path forward," yeah, I don't know what he
3 was talking about there.

4 Q. Can you read the next message aloud, please?

5 A. 7:05 a.m. "Heading to breakfast shortly. Please save me a
6 seat. I will find you."

7 Q. What did you understand that message to mean?

8 A. I don't know what it meant, but it sounded like he's going
9 to be trying to -- he's going to look for me tomorrow -- that
10 same day. I may be running into Willie at breakfast before the
11 conference started.

12 Q. How did you react when you saw the message at the end of
13 this series of texts "I will find you"?

14 A. Yeah, I was really concerned. I was -- I did not know what
15 was going to happen. I remember getting concerned then, not
16 knowing what I will be getting into when I actually go to
17 breakfast for the start of the conference. I think that I was
18 actually hoping this was all a joke and I wouldn't see any -- I
19 wouldn't see Mr. Dennis any further.

20 Q. You testified earlier that the term "brother" and
21 "brotherhood" is sometimes used as a term of endearment. After
22 reading these messages, how did you understand the defendant to
23 be using those terms here?

24 A. Well, I thought -- I was starting to think now as a threat
25 almost; I'm going to be exposed for something. I really didn't

MacWden2

Cottle - Direct

1 know. I was just really concerned.

2 Q. After the defendant sent you the 23 text messages that you
3 just read aloud, what happened?

4 A. Well, it was -- I was going to go to breakfast. The
5 conference was now starting, so there's breakfast before the
6 actual conference starts. So I left my hotel room. The
7 conference is in the same hotel. Go down the escalator, and
8 I'm headed to grab my breakfast and then take the breakfast --
9 breakfast is set up in this area. We take it from there and
10 then into the room where the conference is to sit at a table.
11 So that's where I was headed.

12 Q. And what happened then?

13 A. Well, I went down and I went into the breakfast room, and I
14 think I saw Mr. Dennis in the area. I just grabbed my
15 breakfast. He didn't say anything to me. I didn't say
16 anything to him. And I knew people there. And this is --
17 people are starting to gather. The conference hasn't started.
18 People are starting to filter through, and then I got a table
19 with these other gentlemen that I knew, a big round table with
20 about ten people. I just sat down at the table. And the
21 screen is here and everybody's starting to gather now at the
22 conference.

23 Q. And what happened after that?

24 A. Well, as I'm sitting at the table, eating breakfast,
25 talking, I see Mr. Dennis approach from my right. I picked up

MacWden2

Cottle - Direct

1 peripheral vision coming in, and he had breakfast as well. And
2 he's coming. I'm just hoping -- and I know we had seats at our
3 table, two or three empty seats. I hope he's not going to sit
4 here. That's what I was saying to myself: Oh, please don't
5 sit down. But he sat at our table.

6 Q. When the defendant sat at your table, what happened?

7 A. Well, he went right into I would say a soft rant about many
8 of these issues here, most of them were about health care for
9 his kids; he didn't get due process. Kind of things along that
10 line, I think. Mostly health care, due process.

11 Started out very softly, and then -- I did not respond at
12 all. And it -- he started to get, appearing more angry and
13 just -- he got pretty loud at the table and others were sitting
14 at the table. And he said something about I'm a fake brother.
15 And I remember somebody saying to him, Hey, we were trying to
16 chill the event, right, because it started softly, got loud.
17 And when he said that, I just really wanted to -- you know, I
18 didn't say anything at all at this time. I'm like, should I
19 say something? Should I -- my brain was just trying to process
20 what was going on. It's embarrassing, really embarrassing, so
21 far. I'm getting nervous, and then I get up. I decide to get
22 up from breakfast and go out -- sorry, get up from the table
23 and go back out to where the breakfast was.

24 Q. What about this interaction with the defendant was
25 embarrassing to you?

MacWden2

Cottle - Direct

1 A. Well, he started to go through these issues that -- some of
2 the text messages. There were other Black men at the table
3 with us. I've never been to a conference where any of this
4 happened ever. As many times as I've been, this has never
5 happened before. And it's a professional conference with Black
6 men. This is just like -- you just -- I was saying I just
7 didn't want this to happen. I don't want them to not invite us
8 back to these things. It was not a good look, and I just was
9 just very uncomfortable.

10 Q. You testified that you then walked away?

11 A. I walked off. I got up from the table, and I was going to
12 just walk out and really just kind of -- I don't know what my
13 next step was going to be. Maybe I'll just kind of hang out
14 here, go sit at another table. As I walked out, I was stopped
15 by another gentleman. We were just talking, and I saw Mr.
16 Dennis again in my peripheral. He must have gotten up from the
17 table, and then he was taking my picture with his phone and I
18 witnessed -- I saw him taking my picture. And I was looking at
19 him taking my picture, and he was there, and he was taking my
20 picture.

21 Yeah, that's kind of what happened next.

22 Q. How did you react to seeing --

23 MS. SIMON: I apologize.

24 Q. How did you react to the defendant taking photos of you?

25 A. I think I looked -- sorry. I looked at him. I think I was

MacWden2

Cottle - Direct

1 shocked, like why is he taking my pictures. I was concerned,
2 because I didn't know where those pictures were going, based on
3 everything, from the text messages and sitting at the table.
4 Yeah, I was -- I was just concerned.

5 Q. After you saw the defendant taking photos of you, what did
6 you do next?

7 A. Well, I wanted to continue to just get out of where the
8 conference was, and so I walked back out to where the breakfast
9 was being served, and that's -- and I went out there. And then
10 Mr. Dennis followed me out there, and that's pretty much
11 when -- same topics again, him approaching me, kind of in my, I
12 would say getting close to my space now, my airspace. And this
13 is the closest, you know, and he was angry. Same, same themes.
14 And I think I was -- I wanted to -- I don't like confrontation.

15 So this is the same thing. We're at this conference. I
16 think I said something to him and he said something back. But
17 Willie was angry. He was not backing away from me. I might be
18 tall, whatever, but nothing that my stature would afford me
19 walking around New York subways was concerning Mr. Dennis. I
20 was surprised, you know, that he -- that he approached me in
21 that regard -- yeah -- at that point.

22 Q. And how did you feel when he did that?

23 A. Well, that's when I started to get threatened a little bit.
24 I was looking at his hands, like, does he have anything? I was
25 getting, starting to get concerned a little bit. I started

MacWden2

Cottle - Direct

1 saying to myself: Wow, there's no security in this place;
2 anybody could bring in a weapon; you know, this is going
3 further than me just being annoyed. I probably need to leave
4 and get out of here. I -- because I didn't want to say
5 anything else. I mean it was just -- that's kind of how I
6 felt.

7 Q. When you say you were concerned whether the defendant had
8 something in his hands --

9 A. I looked at his -- I'm sorry.

10 Q. Sorry.

11 A. No.

12 Q. I apologize, Mr. Cottle. I want to make sure I get out the
13 whole question so the court reporter can take it down.

14 When you say you were concerned that the defendant had
15 something in his hands, what were you referring to?

16 A. I looked at his hands to make sure he didn't have anything
17 in his hands, because I didn't want -- this is -- I went into,
18 I don't know, protection mode. So I just didn't want to make
19 sure I didn't get hurt with some object or anything like that,
20 because it was just too close for my comfort in that zone. It
21 was -- I was -- it was just very uncomfortable. Very
22 uncomfortable.

23 Q. After the defendant approached again and got into your
24 physical space, as you testified, what did you do next?

25 A. Well, I decided that was enough for me, and I walked away.

MacWden2

Cottle - Direct

1 So I left. I left the vestibule. I went back to my room and
2 kind of reported it, what happened, and I got back on the train
3 and went back -- back home.

4 Q. So you left the conference?

5 A. Yes, I did.

6 Q. Why did you do that?

7 A. Well, I didn't feel -- No. 1, I didn't feel safe. This was
8 not going to stop. This was just at breakfast. I mean this
9 wasn't even 30 minutes into the conference, and, you know,
10 there's no way I'm going to survive, I thought, eight hours of
11 this. And I think I was just going to be embarrassed. I think
12 it was going to be an embarrassment. I'm not -- I don't want
13 to get into a physical confrontation with anybody and, I didn't
14 want to get baited into anything, you know. I just wanted to
15 get out of there. I tried to be as measured as I could, but I
16 did not want to stay there. I was not comfortable staying
17 there.

18 Q. Would you have left the conference if it were not for the
19 messages you received from the defendant and the defendant's
20 overall conduct at the conference?

21 A. I would not. I would have stayed, yes. I would not have
22 left the conference.

23 Q. You testified earlier that you were surprised to get these
24 text messages from the defendant. Prior to June 6, 2019, did
25 you commonly communicate with the defendant over text message?

MacWden2

Cottle - Direct

1 A. Yeah, I would say so. It was not uncommon. You said prior
2 to this?

3 Q. Yes.

4 A. Yeah.

5 Q. So why were you surprised to get these messages on June 6th
6 and 7th, 2019?

7 A. I didn't expect to get 23 messages from Mr. Dennis that
8 night at all. It -- I think I was just very surprised to get
9 these messages.

10 Q. Why were you surprised?

11 A. He was no longer at the firm. He was the last -- this was
12 the last thing I just really expected to see from Mr. Dennis.

13 Q. And you testified also that you were surprised to see him
14 at the conference?

15 A. Yes.

16 Q. Can anyone attend these conferences?

17 A. Yeah. If you pay for it and register, sure, I think. Yes.

18 Q. And so why were you surprised to see the defendant?

19 A. I just didn't -- I just was surprised that he would travel
20 from D.C. -- from New York to D.C. to attend this conference;
21 other than that with the expenses. I was just very surprised
22 that he was there, yeah.

23 Q. Apart from the messages directed at you and the defendant's
24 conduct at this conference, what other factors affected your
25 reaction to the defendant in June 2019?

MacWden2

Cottle - Direct

1 A. Well, right after this conference, one of our attorneys,
2 Cally Bostick, she was getting an award from the National Bar
3 Association for being a 40 Under 40 recognized attorney for her
4 work. So at the firm we were going to get a table and go to
5 her -- to the dinner honoring Cally and the other winners of
6 this -- it was a prestigious thing.

7 I know Cally well. I was happy for her, but she was scared
8 to go to that dinner because Mr. Dennis was -- threats that he
9 made to her as well. I was aware of that.

10 I went to the dinner. I mean we had to make sure that
11 security -- I had the number to our security, undercover
12 officer that was there to protect us if Mr. Dennis showed up.
13 And we were -- I was concerned about that, and I know she was
14 as well. So that kind of formulated my, you know -- that
15 incident with me, you know, getting ready for Cally's 40 Under
16 40 conference as well. I knew that prior Mr. Dennis, you know,
17 he lost his privilege to come to our office. His badge was
18 taken from him and he no longer had email access for similar
19 conduct to others. I knew that.

20 When I left my hotel and told my office what happened, they
21 were saying that they -- Willie sent a picture of me to
22 somebody or the other. So I was aware of that. I mean this is
23 just in June I was very concerned, so --

24 Q. How, if at all, did that affect your perception of the
25 defendant's conduct?

MacWden2

Cottle - Direct

1 A. Well, it put in light that he's, he's threatened a lot of
2 people at our firm. He's harassed a lot of people at our law
3 firm. It was -- he was someone to be avoided and taken
4 serious. You know, my mind, this -- threats are -- people get
5 hurt with gun violence, and this is just how this stuff starts,
6 angry employees threatening their co-employees.

7 You know, this is -- I was anxious. I'm not going to talk
8 for others, but knowing, you know, some of the circumstances
9 of, of Mr. Dennis's conduct and threats, it was -- I was
10 concerned. I was -- you know, this all kind of formulated, you
11 know, how I reacted and kind of what I did after that.

12 Q. Were you concerned for your own safety?

13 A. Yes, I was.

14 Q. Based on what happened, why were you concerned for your
15 safety?

16 A. I didn't want to run into Mr. Dennis. He -- you know,
17 it's -- 23 email messages backed up by approaching me at a
18 conference in front of a lot of people, I felt that he had
19 no -- I just thought he had nothing to lose. Right? And you
20 know, I'm 60 years old now. I just don't -- I was just
21 concerned that someone would carry out on their actions and
22 their threats. This, to me, was very serious. These threats,
23 to me, were very serious. I just took it very serious.

24 Q. What steps, if any, did you take in response to the
25 defendant's conduct at this time in the summer of 2019?

MacWden2

Cottle - Direct

1 A. Around this time, June? Listen, I changed the way I did a
2 lot of things. I was very -- I used to travel with my
3 headphones on, kind of carefree on the subway. I stopped doing
4 that. I just was very vigilant of where I stood on the
5 platforms of train stations. I was very aware of who got on
6 the train, looking around, make sure -- Mr. Dennis lived in
7 Harlem, in the city. I was very conscious of that. I was
8 conscious to the point where I would make sure that if I had
9 shoes on they would have rubber soles or just in case, you
10 know, I didn't want to have a leather-soled shoe on just in
11 case Mr. Dennis approached me. I didn't want to slip or fall
12 or do any of those kind of things.

13 I just felt -- I just heightened my vigilance of being
14 around the office, what entrance I went into the office.
15 Should I go to lunch today? Because I know -- he, you know,
16 Mr. Dennis had approached other lawyers outside the office. Do
17 you want to deal with that? It's -- you know, those are the
18 kind of choices that I would make.

19 Q. You testified that you stopped wearing your headphones, you
20 were more vigilant on the subway platform, you wore shoes with
21 different soles. Why did you take those specific steps?

22 A. Because I -- if I encountered Willie or he approached me
23 the ways he did before, I just wanted to be more aware and
24 protect myself, be in a better position to protect myself from
25 him. I didn't want him to sneak up on me. I didn't want it to

MacWden2

Cottle - Direct

1 be a surprise. I didn't want any of that stuff. So I just
2 kind of locked in to make sure that if I did see him or if he'd
3 approach me, I would be whatever ready that that be; I wouldn't
4 be caught off guard.

5 Q. When you say ready, do you mean ready to protect yourself?

6 A. I would be ready to protect myself.

7 Q. Or to leave the situation?

8 A. If that's warranted, that would be my first preference,
9 yes.

10 Q. And you mentioned that you were concerned that you might
11 see the defendant in Harlem?

12 A. I knew he was from Harlem. I mean he's a city -- Willie,
13 you know, I mean he's familiar with the west subways. You
14 know, I just -- the CCWC event, you know, kind of startled me
15 and made me pay more attention to my surroundings and be aware
16 of him. Preparing for Cally's 40 Under 40 dinner celebration
17 or that preparation, you know, working with security, making
18 sure we all get there. Is his name on the list? You know,
19 just that concern that I had, that we had, are we going to be
20 safe at this conference? Should we even go to this conference,
21 to her award? We all decided to go to her award, let's go
22 there. That -- you know, who does that? You don't want to go
23 to conferences wanting to know if security will be there if Mr.
24 Dennis shows up. That's just not -- that's not normal.

25 I thought well, maybe I'll be safe at the conference,

MacWden2

Cottle - Direct

1 because I don't think -- you know, no one's following me around
2 on the streets. So my point is that I just have to be
3 vigilant.

4 THE COURT: Counsel, how much more do you have on
5 direct?

6 MS. SIMON: Very short. Maybe five minutes.

7 THE COURT: All right.

8 BY MS. SIMON:

9 Q. Did you receive any text messages from the defendant after
10 you received the string of 23 messages we discussed earlier at
11 the conference?

12 A. I did not. I blocked his number from my cell phone.

13 Q. Why did you block his number?

14 A. Because of the 23 text messages. I didn't want to deal
15 with that anymore.

16 Q. Why did you not want to deal with that anymore?

17 A. It's upsetting. It's just -- it's just who wants to deal
18 with being threatened and just harassed all hours of the night.
19 I just didn't want to deal with it.

20 Q. Do you know whether or not the defendant sent you any
21 additional text messages after this point?

22 A. I don't know, no.

23 Q. And why don't you know?

24 A. Because they were blocked.

25 Q. Do you know whether the defendant continued to try to

MacWden2

Cottle - Direct

1 contact you on any other means of communication, other than
2 your cell phone?

3 A. Sure. I'm aware that he attempted to contact me through my
4 firm email account.

5 Q. Did you receive these emails directly?

6 A. I did not.

7 Q. Why not?

8 A. The firm was blocking Mr. Dennis's emails so that we
9 wouldn't get them directly.

10 Q. And if you weren't receiving them directly, how did you see
11 them?

12 A. The -- our general counsel's office would forward them to
13 me.

14 Q. And how did you know these emails were from the defendant?

15 A. Because they were, you know, from his email. They were --
16 you know, or at least from an email address that I think was
17 identified by, you know, that belonged to Mr. Dennis.

18 Q. Did you recall seeing any particular email from the
19 defendant?

20 A. Well, I know there was a National Bar Association
21 conference that was in New York that was part of Cally's
22 celebration. There was a big conference there. And there was
23 an email with a heading of National Bar Association, maybe,
24 yeah.

25 Q. To the best of your recollection, where would you likely

MacWden2

Cottle - Direct

1 have been when you saw this message?

2 A. I was probably at work when I saw those, yes.

3 Q. At work in the New York office of the firm?

4 A. Yes.

5 Q. Can you describe the email?

6 A. I think the email -- I don't know verbatim, but they were
7 on these same subjects. I think they were the same topics
8 here -- National Bar Association, sponsorship, my compensation.

9 I mean he was questioning about, You make a lot of money, you
10 should give more money. Just more stuff, more of --

11 Q. And you said that it referenced the National Bar
12 Association conference?

13 A. Correct.

14 Q. What is that?

15 A. So, that's -- that's the biggest African American
16 professional conference. They have annual conferences. Their
17 annual conference was in New York that year.

18 (Continued on next page)

MACGden3

Cottle - Direct

1 BY MS. SIMON:

2 Q. When was the conference being held?

3 A. It was that summer, so it was end of July or early August.

4 Q. Of 2019?

5 A. 2019, yes.

6 Q. Is this is a conference you were planning on attending?

7 A. Yes.

8 Q. And when did you see this email?

9 A. Right around that time. I think it was right before the
10 conference.

11 Q. Do you recall specifically what the email said about the
12 conference?

13 A. Not specifically about the conference, but I remember the
14 subject line was National Bar Association conference.

15 Q. And what did that suggest to you?

16 A. Whatever it did, it brought up the whole, you know, CCWC
17 emails. I was planning on going to this conference. I didn't
18 want to deal with -- run into Willie and deal with any of these
19 issues. So based on all that, I didn't really fully attend the
20 conference.

21 Q. When you say the "CCWC emails," are you referring to the
22 text messages you received from the defendant at the CCMC
23 conference?

24 A. Yes, I am. Thank you.

25 Q. And you testified that after seeing this message, you

MACGden3

Cottle - Direct

1 didn't fully attend the conference?

2 A. Correct.

3 Q. Was your decision not to fully attend the conference
4 related to the email from the defendant that you saw?

5 A. Related to that email, prior -- and prior events as well,
6 yes.

7 Q. And why did seeing this email and the defendant's prior
8 conduct affect your decision to attend the conference?

9 A. I did not want -- this conference is in New York, so it's
10 likely that he would be there. I did not want to run into
11 Mr. Dennis at the conference, I didn't want to be harassed at
12 this conference, embarrassed, I didn't want any of this stuff
13 to happen. It just -- it wasn't worth it.

14 Q. When you say you didn't fully attend the conference, what
15 do you mean by that?

16 A. Well, I didn't go. I think I went to some discrete dinners
17 or I met people very discretely, but I didn't go to any of the
18 events or attend the meetings or I didn't attend just the full
19 body of the conference.

20 Q. Would you have skipped those events if it were not for the
21 messages the defendant sent you on this occasion and prior?

22 A. I would have attended the conference.

23 Q. How did you feel about missing the conference?

24 A. Well, I wasn't happy about it. But you know, you have to
25 weigh at this point whether I wanted to be harassed at this

MACGden3

Cottle - Direct

1 conference or not. I decided I just did not want to go, and I
2 missed the conference, miss the opportunities.

3 Q. Are you aware that in October of 2020, the defendant filed
4 a lawsuit against K&L Gates?

5 A. Yes, I'm aware of that.

6 Q. Does that lawsuit have any impact on your testimony here
7 today?

8 A. No, no.

9 Q. When was the last time you saw the defendant prior to
10 today?

11 A. Prior to today, the last time I saw Mr. Dennis was at
12 another conference in New Orleans in 2020, in February of 2020.

13 Q. What conference was that?

14 A. So this was a National Bar Association conference. It was
15 the commercial law section. It's a section of the bigger
16 conference.

17 Q. Why did you go to this conference even though you skipped
18 the one in New York in 2019?

19 A. So this was a more targeted conference with people that I
20 really wanted to meet. It was in New Orleans, so I figured it
21 would be kind of safe to go to New Orleans. I didn't expect to
22 run into anybody. It's a really good conference. We do an
23 expo there. I went with another partner. It's a good
24 conference.

25 Q. What types of attendees are at this conference?

MACGden3

Cottle - Direct

1 A. This is focused now on lawyers. So it's a lots of what we
2 call in-house counsel, lawyers that represent companies are
3 there. And we work with these companies a lot. Lots of them
4 are clients, some of them are potential clients, individuals
5 that I would like to become clients attend these conference.
6 This is probably one of the better conferences for networking.
7 There's an expo at this conference, where our firm does an
8 expo, we have a booth, we are almost like a vendor. Companies
9 come by and we tell them about us and what I do. And I think
10 sometimes we even speak at these conferences. They're really,
11 really good conferences.

12 Q. What happened when you saw the defendant at the conference?

13 A. Well, the first I saw Mr. Dennis at the conference, it was
14 at breakfast, again. This time, he was eating -- anyway, he
15 was eating bacon. He was at a station eating bacon, I just
16 remember, with his hands. And that's the first time I saw him.
17 And I was like, wow, Willie is at this conference. That was my
18 first reaction. And I remember seeing him there having bacon,
19 eating, and I went straight into the room for a -- there was an
20 event, the program, so I remember I just went straight into a
21 room for a program.

22 Q. How did you react upon initially seeing the defendant?

23 A. I was stunned to see him, number one. And number two, I
24 was stunned to see him eating bacon with his hands out of the
25 tray. And I looked at him, and I think I just shook my head

MACGden3

Cottle - Direct

1 when I saw him.

2 Q. Why were you stunned to see the defendant?

3 A. Well, at first, I was stunned at that behavior. That was
4 odd. And number two, I didn't expect to see him in New Orleans
5 at this particular conference.

6 Q. How did seeing him unexpectedly affect you?

7 A. Well, it just kind of rose my antennas up again. And I was
8 saying to myself, hopefully, here we go again -- hopefully
9 maybe not here we go again. But I was concerned when I saw
10 him, initially.

11 Q. What happened after you saw the defendant at breakfast?

12 A. Well, like I said, I went to my -- I went to the conference
13 closed door -- you had to kind of have a badge to get into the
14 next part. I kind of went in there, attended the whatever
15 one-hour session. Then next we were going to set up -- another
16 partner and I were at the conference together, and we were
17 going to set up our booth at the expo at some point. I don't
18 remember if it was the next day or later on, but that was the
19 next time I saw Mr. Dennis.

20 Q. What happened when you saw him?

21 A. Okay. So we're setting up our booth at the conference
22 hall, and there was an empty booth over there. I guess the
23 other law firm or company hadn't arrived yet. We were setting
24 up our booth, and then we see Willie, Mr. Dennis sitting at the
25 empty booth just staring at us. And my other partner and I

MACGden3

Cottle - Direct

1 said, well, there's Willie, he's over there. And we just kind
2 of looked back at him, and he was just kind of staring at us.
3 And that stare went on for a little while, maybe 10 seconds,
4 but it seemed longer than that. And my partner and I were
5 saying -- we were just talking about that, that Willie is
6 there, let's just keep an eye on things and see where this
7 goes.

8 Q. Did the defendant say anything to you?

9 A. No.

10 Q. How did the defendant's conduct make you feel?

11 A. I was -- like I said earlier, I was just edgy. If you took
12 my blood pressure, it probably would have been up a little bit.
13 I was on edge. Just making -- just being aware, you know, just
14 kind of seeing what's going on.

15 Q. Why were you on edge?

16 A. Because of the prior behavior, right. It's just not one
17 incident, right. It's a series of kind of incidents and kind
18 of what documents I've seen. And I know firsthand the threats
19 he's made to others and what he's said in those threats and
20 referencing the Bible and mass shootings. And all that stuff
21 that he has threatened people with, it's serious stuff. When
22 you quote scriptures and you are being commanded by god and
23 articles of mass shootings at work to people, this is no stuff
24 to joke around, to play around with. I took it serious.

25 Q. What were you concerned might happen?

MACGden3

Cottle - Direct

1 A. I just thought we could be approached again by Mr. Dennis.

2 Q. And when you say "approached," what do you mean?

3 A. Physically, either more verbal exchange or more physical
4 space, just more -- these type of encounters, these kind of
5 threatening behaviors. You know, we were on the lookout for
6 that.

7 Q. And taking into consideration the full arc of your
8 interactions with the defendant between June of 2019 and
9 February 2020, how did the defendant's conduct make you feel?

10 A. At times, scared, very nervous, threatened, shocked,
11 surprised, disappointed.

12 MS. SIMON: One moment, please.

13 (Conferring)

14 MS. SIMON: No further questions. Thank you, your
15 Honor.

16 THE COURT: Cross-examination.

17 MR. DENNIS: Your Honor, I would, as I'm representing
18 myself and operating alone, I'd like to request 15 minutes to
19 organize my notes for my cross. I'd also like to request a
20 copy, a hard copy for my cross-examination of the emails or the
21 text messages which the government provided to --

22 THE COURT: Well, first of all, you were told
23 yesterday that this would be the first witness. We can't
24 interrupt after every single witness.

25 You have chosen to represent yourself and certain

MACGden3

Cottle - Direct

1 responsibilities go with that, and that is we have a duty to
2 this jury to move this case along. I will accommodate your
3 request on this occasion, but you're not going to do this as a
4 regular matter with other witnesses. So we will take a
5 15-minute break now. And of course, the government will supply
6 you -- I suspect they already have supplied you with a copy of
7 those emails, but they'll probably do it again if it's of any
8 use to you.

9 MR. DENNIS: Thank you, your Honor.

10 THE COURT: Ladies and gentlemen, before I excuse you,
11 one quick thing. I received a note from juror number 12 asking
12 a bunch of questions -- pretty good questions, I thought -- but
13 the way it works, just so you understand is, as the evidence
14 comes in, most of your questions will probably be answered.

15 If they're not answered, it will be because either the
16 parties decided they didn't want to introduce that evidence or
17 because of the rules of evidence that says that they're not
18 allowed to introduce certain types of evidence. So they have
19 to play by the rules, just like we all do. But thank you for
20 providing those questions, but I think you will see that by the
21 end of the whole evidence, the great majority of your questions
22 will be answered.

23 So we'll take a 15-minute break.

24 (Jury excused)

25 (Continued on next page)

MACGden3

1 (Jury not present)

2 THE COURT: You may step down. 15 minutes.

3 Let me have my law clerk hand each side the note we
4 received from juror number 12. I have marked it as Jury Note
5 Number 1.

6 This concerns you, Mr. Dennis.

7 I am concerned that because Mr. Dennis is -- as was
8 his choice -- pro se, he is not familiar with the niceties of
9 the rules of evidence. But I had questions in my own mind
10 about whether all the questions and answers put by this witness
11 complied with the rules of evidence.

12 For example, he was asked about a conversation he had
13 with Ms. Bostick, I think was her name. And he related what
14 the substance of what she had told him. Last time I checked
15 the federal rules of evidence, that was called hearsay. Now,
16 it's possible that it fit within an exception to the hearsay
17 rule, and so I didn't sua sponte interrupt. And it's not my
18 job to be the lawyer for Mr. Dennis. But I think, in light of
19 Mr. Dennis' pro se status, if the government is about to
20 introduce evidence that at least on its face would not seem to
21 comply with the rules of evidence, they ought to come to the
22 sidebar and explain why it fits within an exception.

23 Let me ask, in the example I just gave, why in the
24 world would that fit within an exception of the hearsay rule?

25 MS. SIMON: First of all, your Honor, I was trying to

MACGden3

1 elicit what he had observed that may have affected --

2 THE COURT: No. If you are saying -- and I hope
3 you're not saying -- that it fits within the lay opinion
4 exception, it does not remotely.

5 MS. SIMON: No, your Honor. I was merely saying that
6 he had observed Ms. Bostick's demeanor and that had on affect
7 on him. But in terms of the content of the communication, the
8 government is not offering it for the truth of matter asserted,
9 but rather to show the witness' state of mindand --

10 THE COURT: Well, how is the jury to know that?

11 If we are here -- part of this is Mr. Dennis' choice,
12 but that doesn't mean that it should be a free for all -- the
13 jury doesn't know that that evidence is not received for its
14 truth but only for its affect on Mr. Cottle. Moreover, I'm not
15 even sure that it's still admissible even under that
16 limitation, given that it, in effect, relies on double or
17 triple hearsay as to what she had experienced, what that led
18 her to fear and then what affect it had on this witness. I am
19 skeptical as to whether all those links could be shown. But
20 I'm not going to strike it. But I'm just cautioning the
21 government to get their act together.

22 MS. SIMON: Understood, your Honor.

23 And the government would also be amenable to a
24 limiting instruction, if the Court preferred that the
25 information was only --

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1 THE COURT: I think at this point it would just
2 prejudice Mr. Dennis by reiterating that stuff would outweigh
3 the benefit of saying it's not being offered for its truth. So
4 unless, Mr. Dennis, you want me to give that instruction, we'll
5 just leave it alone.

6 MR. DENNIS: Yes, your Honor.

7 THE COURT: Very good. I'll see you in 15 minutes.

8 (Recess)

9 THE COURT: Mr. Dennis, you should use the lecturn
10 when you are cross-examining.

11 MR. DENNIS: Okay, your Honor.

12 (Continued on next page)

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Cottle - Cross

1 (Jury present)

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. DENNIS:

5 Q. Hi, Eric.

6 A. Good morning, good afternoon.

7 Q. Eric, I want to -- when you and I were together at the
8 firm, we often talked about your career as an athlete and some
9 of the things you accomplished in the area of track and field.
10 Can you share with the jury your background in sports and your
11 accomplishments?

12 A. Sure. I was a high school -- I ran track and field,
13 400 meters. I was a high school, college all American in track
14 and field. I went to Adelphi University. I was an Olympic
15 hopeful. I went to Saint Vincent and the Grenadines. And that
16 was it. And basketball, I played basketball as well. And I
17 cycle as well.

18 Q. As far as becoming an athlete in the Olympics, what did you
19 have to go through to just even be considered?

20 A. Well, I was -- well, I'm proud of it -- I was good. I
21 think I was fast and you have to be athletic and hit certain
22 times to be considered and things of that nature.

23 Q. You seem like you are, as always, in pretty good shape. Do
24 you still work out now?

25 A. I do, I do.

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Cottle - Cross

1 Q. Can you describe, what's your workout routine?

2 A. Actually, I cycle now since my knees are bad, so I can't
3 run anymore. So I cycle probably 80 miles a week, I ride a
4 road bike. I try to go to the gym three or four days a week.
5 Sometimes I still coach and mentor other children. My kids are
6 athletes. My daughter ran track and my other daughter played
7 basketball in college as well. And so we all kind of do
8 virtual workouts together and things like that. We're a sports
9 family, I would say. So I still try to stay active.

10 Q. Do you lift weights as well?

11 A. I try to. Yes, I do.

12 Q. I guess one of the things that came out, you are a
13 litigator. How are you viewed among your peers as far as your
14 skill set? How are you viewed among your peers, if someone
15 were to say, Eric Cottle, he is or I recommend him or I don't
16 recommend him? How are you viewed by your peers, in terms of
17 how good you are at what you do?

18 A. I would say it's favorable. I think I'm respected in my
19 field. And I think it would be very -- I think it's positive.
20 I would say it's positive.

21 Q. Have you ever received any recognition for your litigation
22 skills and awards or anything?

23 A. I don't know about awards, but I've published. I published
24 in books on expert witnesses and offered to speak on topics at
25 times, on litigation topics, if that's what you're getting at.

MACGden3

Cottle - Cross

1 Q. Just however you would describe. If you were going out and
2 you were pitching yourself to a client and you said, I want you
3 to hire me, what are the things you would say to them in order
4 to get them to retain you? That's sort of where I'm going.

5 MS. SIMON: Objection, your Honor.

6 THE COURT: Sustained.

7 BY MR. DENNIS:

8 Q. So one things that your biography says on the K&L Gates
9 website is that you have a significant practice regarding
10 asbestos claims, defending companies with asbestos claims. Can
11 you describe what that practice is for the jury?

12 MS. SIMON: Objection, your Honor.

13 MR. DENNIS: I think that, your Honor --

14 THE COURT: No, no, I don't want argument.

15 I will allow it as foundational, but we'll see how it
16 goes.

17 You may answer the question.

18 THE WITNESS: Just repeat the question, again. I'm
19 sorry.

20 BY MR. DENNIS:

21 Q. Can you describe your practice representing companies in
22 asbestos claims?

23 A. I represent -- my firm and I represent companies that are
24 sued in claims for asbestos and other work-related,
25 occupational disease or occupational exposures, alleged

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Cottle - Cross

1 occupational exposures.

2 Q. And what are the types of claims? Can you describe the
3 types of claims that would be made against the companies?

4 MS. SIMON: Objection, your Honor.

5 THE COURT: I think where you're going -- but correct
6 me if I'm wrong -- let me put to the witness a question.

7 Would you consider yourself a tough litigator?

8 THE WITNESS: I think I'm measured more than tough.
9 I'm a measured litigator.

10 THE COURT: Go ahead.

11 MR. DENNIS: I would just like to enter into the
12 record that the government initially, in questioning
13 Mr. Cottle, asked him about his litigation skills and what he
14 did. And I'm just delving a little bit deeper in a door that
15 they had already opened so that the jury has a more fuller
16 description --

17 THE COURT: Mr. Dennis, as I explained to counsel for
18 both sides, including yourself in your role as counsel, when
19 there is a question raised as to an objection, I don't want
20 either side to engage in lengthy colloquy.

21 If you want to make a record later when we excuse the
22 jury, we'll have ample opportunity to do that. I understood
23 why you felt you could put that question and that's why I
24 allowed the initial question, but the follow-up question to me
25 did not appear to be proper, and I have ruled.

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Cottle - Cross

1 Please put another question.

2 BY MR. DENNIS:

3 Q. Eric, what office did you begin your career at at K&L
4 Gates?

5 A. Pittsburgh.

6 Q. And how many years were you in the Pittsburgh office?

7 A. Six.

8 Q. Six years.

9 So what year did you begin at the firm?

10 A. 2004. And I think I came to New York in 2010.

11 Q. So the first few years you were in the Pittsburgh office,
12 what were the biggest practices in the Pittsburgh office, what
13 were the practices that earned the most revenues for the
14 Pittsburgh office?

15 A. I don't know.

16 Q. Was it your litigation -- part of your litigation group?

17 A. For the Pittsburgh office?

18 Q. Yes.

19 A. It could have been. I'm not sure.

20 Q. And you made partner in the Pittsburgh office?

21 A. I made partner for the law firm, not for --

22 Q. Which office were you in?

23 A. I was in Pittsburgh.

24 Q. At the time that you were in the Pittsburgh office, where
25 was the leadership of the firm residing in? Where was the

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Cottle - Cross

1 chairman; what office was he in?

2 A. I think Mr. Kalis may have resided in Pittsburgh.

3 Q. Where was Bob Zinn, member of the executive committee?

4 A. I don't know. Pittsburgh. I don't know.

5 Q. Pittsburgh?

6 A. I don't know.

7 Q. And Mike Zanic, one of your mentors, what office is he in?

8 A. My mentor? I don't -- I would consider Mike Zanic as my
9 partner.

10 Q. What office is he is?

11 A. He was in Pittsburgh as well.

12 Q. So you were in the Pittsburgh office, you made partner, you
13 obviously got to know a lot of the most powerful people in the
14 firm, and you came to New York. In what year did you join the
15 New York office?

16 A. So I came to -- I think, maybe, 2012, 2013, somewhere
17 around there.

18 Q. Would it be fair to say when you came to New York in 2012
19 or 2013, being that you most of the time had worked in
20 Pittsburgh, you didn't have many relationships in the New York
21 area with people in the legal community?

22 A. Oh, yeah, I would say so.

23 Q. So can you describe how you were able to develop some of
24 those relationships?

25 A. In the --

MACGden3

Cottle - Cross

1 Q. In the New York area?

2 A. I attended -- well, I got a coach. I hired someone that
3 would help me -- that was familiar with the New York legal
4 network, and so I hired an executive coach. And she gave me a
5 game plan of how I should attack the New York market.

6 Q. Given that I had practiced in New York for over 28 years,
7 did you and I -- did I introduce you to any people? Did I take
8 you to any dinners or breakfasts or lunches to introduce you
9 around?

10 A. Absolutely, yup.

11 Q. Can you describe any of that to the jury?

12 A. Oh, I think when I first arrived in Pittsburgh, you and
13 I -- I think we actually tried to put plans together to meet
14 people and go to lunches and -- I don't know, yeah, I would
15 agree with you.

16 Q. Would you say I was completely open to anyone that you
17 wanted me to introduce you to and suggesting others that I
18 would introduce you to?

19 A. I think you were very cooperative.

20 Q. Did you have an opportunity to appear on the cover of the
21 Network Law Journal?

22 A. I did.

23 Q. Was that an introduction that I made and suggested that you
24 follow up on?

25 A. I think you did make that introduction, yes.

MACGden3

Cottle - Cross

1 Q. One of the largest legal organizations for women, the
2 Corporate Counsel Women of Color, are you familiar with that
3 organization?

4 A. Yes.

5 Q. Can you tell the jury a little bit about it and who its
6 sponsors are?

7 A. Well, when I was new at -- the firm was the -- I don't know
8 what it was, maybe a platinum sponsor. But it was the biggest
9 sponsor of the CCWC conference. I think we were a platinum
10 sponsor or -- we were a high sponsor for the conference.

11 Q. We were the highest sponsor.

12 Would you name some of the companies that were some of the
13 sponsors on the -- for the Corporate Counsel Women of Color?

14 A. Many. I don't remember all --

15 Q. Do you know any? Can you name a few?

16 A. You are talking about the sponsors?

17 Q. Yes.

18 A. I would be guessing. If you show me something, I can
19 confirm that they were.

20 But they were companies -- other companies, large companies
21 that were also sponsors. There were also large law firms that
22 were sponsors. I'm just hesitant to name companies. I'm not
23 sure.

24 Q. So who was the founder and CEO of the Corporate Counsel
25 Women of Color?

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Cottle - Cross

1 A. The founder and CEO, I believe it was Laurie Haden.

2 Q. Do you know how the Corporate Counsel Women of Color
3 sponsorship came to K&L Gates? Do you recall?

4 A. It was there when I arrived. We were sponsors.

5 Q. So --

6 A. The firm was a sponsor when I arrived, when I got involved
7 with it.

8 Q. What year was that, again?

9 A. 2012, maybe, somewhere around there -- well, when I came to
10 New York office in 2012, 2013, I believe the firm was already a
11 sponsor of CCWC.

12 Q. So you had never heard that that organization, which counts
13 as its sponsors, Microsoft, Goldman Sachs, AT&T --

14 THE COURT: Counsel, you are testifying now. That's
15 not evidence. Put a question.

16 Q. Were you aware that I was the one that brought that
17 organization and brought that sponsorship to --

18 A. I believe so. I believe you and I talked about that, I
19 believe, that you made the introduction to the firm. I think
20 so.

21 Q. Did I ever introduce you to the founder of the
22 organization?

23 A. Yeah. You have, yeah.

24 Q. And did she have conversations with you about how the
25 sponsorship came to the firm?

MACGden3

Cottle - Cross

1 A. I don't recall.

2 MS. SIMON: Objection, your Honor.

3 THE COURT: Sustained. Hearsay.

4 BY MR. DENNIS:

5 Q. Not naming the names, having the clients there that the
6 firm had access to on a regular basis at the annual conference,
7 what was the impression of the firm about the value of the
8 conference to K&L Gates?

9 MS. SIMON: Objection.

10 THE COURT: Sustained.

11 BY MR. DENNIS:

12 Q. Your testimony in part focused in on, I guess, June 6th of
13 2019. And I guess during the course of your testimony, you
14 discussed how many of the text messages you did not have an
15 understanding or understood why I sent them to you,
16 particularly with respect to issues like healthcare and
17 relating to my kids, and there were a couple of other things.

18 But I want to ask you, in that regard, you mentioned that I
19 had been terminated from the firm in May of 2019. Were you
20 aware that I was suspended from the firm in January of 2019?
21 You were in the same office, so...

22 A. I could have been. I don't recall.

23 Q. From the date of my suspension, I never returned to the
24 office again, so I --

25 THE COURT: No, no, no. You can't testify.

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Cottle - Cross

1 MR. DENNIS: Sorry.

2 BY MR. DENNIS:

3 Q. So in January of 2019, were you aware that all my emails
4 and all my contacts in my phone system was terminated by the
5 firm?

6 A. I'm aware that, at some point prior to when you were
7 terminated from the firm in May, that your emails and your
8 access to the office were stopped. That's what I'm aware of.

9 Q. Would you be able to opine on if a partner does not have
10 emails and phone and secretarial services, how can they
11 continue to service their client?

12 MS. SIMON: Objection.

13 THE COURT: I'll allow it. Overruled.

14 You may answer.

15 A. How can -- if you don't have access to your --

16 Q. Your phone system, your emails, your secretary, how can you
17 service your clients?

18 A. That's your question to me?

19 Q. Yes.

20 A. I don't know. I mean, I looked at -- you were suspended
21 for whatever reason you were suspended for, and that's what
22 happened. Beyond that, I don't have any opinions.

23 Q. Do you know who served my clients after I was suspended in
24 January of 2019?

25 A. I don't know anything about what happened or familiar with

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Cottle - Cross

1 you or anything after your suspension at all.

2 Q. So there were no conversations in the New York office among
3 any of the partners regarding my situation, that I had been
4 suspended?

5 MS. SIMON: Objection.

6 THE COURT: You have to ask about his knowledge, not
7 about other persons' knowledge. If you want to rephrase that.

8 I'll ask the witness. I'm a little unclear.

9 Were you aware of the suspension or just of the
10 termination?

11 THE WITNESS: I'm aware of both.

12 THE COURT: Of both?

13 THE WITNESS: Correct.

14 THE COURT: Okay. So the question was, during the
15 period between the suspension and the termination, were there
16 conversations among partners that you were a party to regarding
17 the suspension?

18 Just answer that yes or no.

19 THE WITNESS: No.

20 THE COURT: Okay.

21 BY MR. DENNIS:

22 Q. After the suspension, when was the last time you saw me in
23 the office or -- when was the last time that you saw me
24 physically in the office of K&L Gates?

25 A. I don't remember.

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Cottle - Cross

1 Q. Was it February, March of 2019 or did you ever see me after
2 January of 2019?

3 A. I don't think -- in the office?

4 Q. Yes.

5 A. I think once you were suspended, I don't think I saw you in
6 the office ever after that. I don't recall seeing you in the
7 office.

8 Q. In the context of the emails that you said you had received
9 and seen, did you have any thoughts, did you have any -- on the
10 emails I sent to the firm regarding the alleged sexual
11 harassment claims that were published in the American Lawyer?

12 A. I didn't see an email that you sent to the firm like that,
13 if that's what you're asking.

14 Q. Did you see the article?

15 MS. SIMON: Objection.

16 THE COURT: Well, you can answer that yes or no.

17 THE WITNESS: Which article?

18 BY MR. DENNIS:

19 Q. The article by Lindsay McKelling discussing the sexual
20 harassment of women associates by partners at K&L Gates.

21 THE COURT: Sustained.

22 Q. Do you recall receiving any of my emails regarding the
23 practice of the partners taking my clients from me?

24 A. Emails that you sent to the firm?

25 Q. Sent to you.

MACGden3

Cottle - Cross

1 A. Okay. Hold on. Do I recall seeing emails from you to me?

2 Q. Emails or text messages.

3 A. That partners were taking clients of yours?

4 Q. Exactly. As a result of my suspension and me not being at
5 the firm, clients were taking my partners -- my partners were
6 taking --

7 A. I don't recall. I don't recall --

8 Q. You don't recall?

9 A. -- seeing anything like that, no.

10 Q. Do you recall me sending you text messages and emails
11 regarding the reduction of my compensation because the firm was
12 taking my clients and my business?

13 A. What time frame is this?

14 Q. This would have been following my suspension.

15 A. I don't -- no, I don't see anything like that. I don't
16 remember that, no.

17 Q. What do you know about the firm hiring private security to
18 come to my home?

19 MS. SIMON: Objection, your Honor.

20 THE COURT: You can't really testify in that way. I
21 also don't really see the relevance to any issue that this jury
22 has to decide.

23 Sustained.

24 BY MR. DENNIS:

25 Q. Mr. Cottle, these claims that you are discussing now, did

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Cottle - Cross

1 you discuss these claims with the 17th precinct of New York?

2 MS. SIMON: Objection.

3 THE COURT: You can answer that question yes or no.

4 A. No.

5 Q. Do you have any knowledge of any of the partners at the
6 firm in the New York office having any conversations with the
7 17th precinct regarding charges similar to these?

8 THE COURT: Sustained.

9 Q. Did you have any conversations with the district attorney's
10 office of the City of New York regarding the claims?

11 MS. SIMON: Objection.

12 THE COURT: You can answer that yes or no.

13 A. The district attorney's office?

14 Q. Yes, the district attorney's office of the City of New
15 York.

16 A. No. District attorney's office of the City of New York,
17 no.

18 I want to make sure, did I have any conversation with the
19 district attorney's office?

20 THE COURT: Yes, that is the question.

21 THE WITNESS: I did not have any, no.

22 BY MR. DENNIS:

23 Q. Did you have any knowledge of anyone at the firm --

24 THE COURT: No, that's calling for hearsay, counsel.
25 You can't do that.

MACGden3

Cottle - Cross

1 Q. Do you have any knowledge of the firm hiring private
2 security to follow me at the CCWC conference in Chicago?

3 MS. SIMON: Objection.

4 THE COURT: Sustained.

5 BY MR. DENNIS:

6 Q. I think you stated in your testimony earlier that as of the
7 day of the text messages on June 6th, I believe -- I want to
8 confirm -- that you stated you had no knowledge as to why I was
9 terminated from the firm, that was your response?

10 A. I don't know if I said that. I'm not sure. Have to read
11 it back. That I said I have no knowledge --

12 Q. Of why I was --

13 THE COURT: I'm not sure that was your testimony.

14 But the question is: Do you have any personal
15 knowledge as to why Mr. Dennis was terminated from the firm?

16 What's the answer?

17 THE WITNESS: I'm trying to think. Do I have personal
18 knowledge? I was not involved -- I was not involved in your
19 termination.

20 THE COURT: These are questions you should just answer
21 yes or no.

22 THE WITNESS: Okay.

23 THE COURT: When Mr. Dennis was terminated, was an
24 announcement sent out to the partners?

25 THE WITNESS: Yes.

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Cottle - Cross

1 THE COURT: And did that announcement give a reason
2 for the termination or no?

3 THE WITNESS: I don't think that announcement did. I
4 don't recall.

5 THE COURT: Go ahead.

6 MR. DENNIS: I actually want to --

7 BY MR. DENNIS:

8 Q. Under the firm's partnership agreement, the only way that a
9 partner can be expelled is through a full vote of the
10 partnership. Did you receive any information regarding a vote
11 with respect to my termination from the partnership?

12 A. I would not. I'm not an equity partner. I don't have
13 voting rights. I don't have any involvement in your -- in that
14 at all.

15 Q. Do you have any knowledge of whether any equity partners
16 received information relating to --

17 THE COURT: No, no. Now we're getting into hearsay
18 again.

19 Ladies and gentlemen, so you're clear, there are,
20 typically, in law firms two kinds of partners; salaried
21 partners and so-called equity partners who get a percentage of
22 the profits as opposed to a salary. And when a decision is
23 made to expel a partner, it is a decision that has to be made
24 by the equity partners, but not by the salaried partners.

25 Go ahead.

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Cottle - Cross

1 BY MR. DENNIS:

2 Q. Earlier, you testified as to -- or the question is: What
3 partners have you spoken to in the office at K&L Gates about
4 your testimony here?

5 A. Today, nobody.

6 Q. Not today. This has been -- I'm sure you've been on the
7 witness list for the government for some time.

8 A. I didn't speak to anybody.

9 Q. For two years now?

10 A. I didn't speak to anybody about my testimony today.

11 Q. At any --

12 A. Or at this trial.

13 Q. Or at any point in time?

14 A. About the trial, testifying here?

15 Q. Yeah.

16 A. No.

17 Q. So just to make sure it's on the record, since the
18 indictment was handed down on October 28th, 2020, you have not
19 spoken to a single partner at K&L Gates about this matter at
20 all?

21 A. Well, that's a different question. The indictment was
22 handed out in October 2028?

23 Q. October 28th, 2020.

24 A. Well, maybe, we may have spoken. I may have spoken to
25 someone, yeah.

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Cottle - Cross

1 Q. Would you be able to identify the partners that you did
2 speak to about --

3 A. I don't know if it was spoke -- but when you were indicted
4 and it was public record -- I don't remember who, but they were
5 like Willie was indicted or something or the other. It was
6 just reporting what had happened. That was the extent of it.

7 Q. Were you surprised -- given that you obviously claim to be
8 allegedly one of the victims, were you surprised to hear about
9 this?

10 A. I don't think I had a feeling one way or the other when it
11 happened.

12 Q. But you had knowledge of it?

13 A. It was public record when you were arrested.

14 You are talking about when you were arrested?

15 Q. When I was arrested, which time -- I was arrested a couple
16 different times. What I'm referring to is this indictment came
17 down --

18 THE COURT: I thought you were asking about when you
19 were indicted.

20 Q. This indictment came down October 28th, 2020.

21 A. Yeah. I don't think so.

22 Q. That obviously means that the government did work before
23 that date in order to prepare this indictment.

24 MS. SIMON: Objection.

25 Q. And you were listed as one of the victims.

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Cottle - Cross

1 A. Got it.

2 Q. Did the government contact you?

3 A. Yes.

4 Q. Okay. They contacted you?

5 A. Yes.

6 Q. Did you discuss this with anyone at the law firm?

7 A. General counsel. I think I might have discussed it with
8 Chip Tea or Jeff Maletta.

9 Q. And you did not discuss it with any of the powers, Mike
10 Zanic, Bob Zinn, Mike Caccese, none of the powers of the law
11 firm, that there was a case in the Southern District of New
12 York, in which you were allegedly a victim?

13 A. Nope, I did not.

14 Q. And how many conversations did you have, over the two-year
15 period, did you have with Jeff Maletta?

16 A. Less than five, maybe. Maybe less -- maybe five to ten
17 times. I think we -- well, hold on. I want to try to be as
18 exact as I can.

19 Most of the conversations I had with Jeff were right after
20 this incident, so maybe three or four. I don't know. Maybe --
21 I could have had 15 conversations with him. I'm not sure.

22 THE COURT: Who is Mr. Maletta?

23 THE WITNESS: Mr. Maletta is the firm's general
24 counsel.

25 And just to be accurate, I may have had conversations

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Cottle - Cross

1 with Chip Tea, who is our deputy general counsel, as well. And
2 they represent the legal team I would speak to about this.

3 BY MR. DENNIS:

4 Q. So earlier, you mentioned your conversations with Calvina
5 Bostick?

6 A. Correct.

7 Q. Who is also one of the other victims. Did you talk to her
8 about this at all, about this case?

9 A. No.

10 Q. So you talked to her on text messages, but never about this
11 case?

12 A. We talked about the case -- so let's just get it straight.
13 I talked to Calvina about the incident -- is that what you're
14 referring to as well?

15 Q. I'm actually talking about this particular --

16 A. No, I never talked to her about this case.

17 Q. So you never, independent -- just so we're clear, in terms
18 of the timeline, again, so June 6, 2019, you received these
19 text messages from me which gave you concern. And in your
20 testimony, you talked about Cally Bostick and about why -- how
21 she was concerned.

22 Between June 6, 2019 and the date when the sealed
23 indictment was filed, October 28th, 2020, you and Cally Bostick
24 never talked about this issue again, even despite having all
25 the fear and intimidation and changing your lifestyle, you

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Cottle - Cross

1 never talked about it again?

2 A. Well, that's different than talking about the case.

3 If I talked to Cally about your harassment of her, yes. I
4 have talked to her about that. We've talked about that before.
5 So yes, I did speak to her about you, but not -- we didn't
6 speak about the case. I just want to make sure we understand
7 that.

8 Q. Did not speak about that this has now escalated to where
9 we're in the Southern District Court of New York, you guys --
10 okay, I just want that -- okay.

11 Let's go to June 6th, 2019. Corporate counsel for men --
12 how many people were in the room that day?

13 A. Well, the tables were filling up. We had about eight at
14 ours. I don't know, about 50 people, maybe, in the room.

15 Q. In the entire room, 50 people that were at the breakfast?

16 A. I don't recall.

17 Q. Maybe a hundred?

18 A. I don't know --

19 Q. Maybe --

20 A. I'm sorry. At the time of breakfast, I don't think
21 everyone was there yet. It was early. So I would say around
22 50 or so.

23 Q. And you talked about the fact that I came up and I had
24 breakfast in my hands. Did you think I was going to hit you
25 with a roll?

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Cottle - Cross

1 In the course of those text messages, you said that -- you
2 stated you had no understanding as to why I was talking about
3 my children and healthcare, even when you knew that I had -- I
4 just want to be clear, you knew I had been terminated from the
5 firm. So in your mind, what did you expect termination to
6 mean, in terms of -- as a lawyer, in terms of what that would
7 mean?

8 A. I didn't have any expectation. I was not involved in your
9 termination. All I knew, you were terminated from the firm.

10 (Continued on next page)

MacWden4

Cottle - Cross

1 BY MR. DENNIS:

2 Q. You mentioned how -- you discussed how one of my text
3 messages raised asking you if you were going to testify against
4 me. As a litigator, if you had a client who was terminated and
5 had no income, what would you expect them to do legally?

6 THE COURT: Sustained.

7 BY MR. DENNIS:

8 Q. When did you first become aware of my EEOC filing against
9 the firm in March, on March 3, 2020?

10 A. I don't know.

11 Q. Where do you currently reside? You don't have to give the
12 address or, you know -- or just give a city.

13 A. Maplewood, New Jersey.

14 Q. Maplewood, New Jersey.

15 Have I ever been to your house?

16 A. No.

17 Q. What did you -- and how do you travel in to the city?

18 A. For work, the train. I take the New Jersey Transit and
19 then the subway. For work.

20 Q. And I live, I live in north Manhattan, 146th Street.

21 During all those years we were together -- you came to New York
22 in 2012, you said, say five -- did we ever encounter each other
23 on the subway system cars?

24 A. I don't think so. I don't recall if we ever have.

25 Q. You know we're coming from different directions?

MacWden4

Cottle - Redirect

1 A. Correct.

2 Q. Prior to June 6 of 2019, did I ever threaten you
3 physically?

4 A. No.

5 Q. Prior to June 6, 2019, did I ever cause you to have any
6 fear of me?

7 A. No. I wouldn't say I had fear of you, no.

8 MR. DENNIS: I have no other questions, your Honor.

9 THE COURT: All right.

10 Any redirect?

11 MS. SIMON: One moment, please, your Honor?

12 THE COURT: Counsel.

13 MS. SIMON: Yes.

14 REDIRECT EXAMINATION

15 BY MS. SIMON:

16 Q. Mr. Cottle, I just want to clarify. You were asked
17 questions on cross regarding your conversations with
18 Mr. Maletta, the general counsel of the firm, and Mr. Tea, the
19 deputy general counsel of the firm?

20 A. Correct.

21 Q. When you testified that you spoke to them, were you
22 referring to the June 2019 to February 2020 time period?

23 A. Yes. That's accurate, yes.

24 Q. Yes. And without getting into the substance of those
25 conversations, why did you choose to contact your firm's

MacWden4

Cottle - Recross

1 general counsel office during that time period?

2 A. Because of that incident at CCWC. I had to report that
3 because -- that's the reason I contacted them, especially with
4 the pictures being taken of me.

5 Q. And when you say the incident at CCWC, are you --

6 A. CCMC, men's conference. Sorry.

7 Q. The one in June 2019?

8 A. Correct.

9 Q. And why did you feel you needed to contact the general
10 counsel's office regarding that?

11 A. Well, Willie had made what I would say these aggressive
12 moves, this harassment towards me, and I think I just needed
13 to -- and I knew he had made those to others as well, so I
14 needed to report that to the firm.

15 MR. DENNIS: Objection, your Honor.

16 THE COURT: No, but I'll give you recross on this, if
17 you wish.

18 BY MS. SIMON:

19 Q. Did you discuss your testimony today with Mr. Maletta?

20 A. No.

21 MS. SIMON: No further questions.

22 THE WITNESS: Thank you.

23 THE COURT: OK. Recross.

24 RECROSS EXAMINATION

25 BY MR. DENNIS:

MacWden4

Cottle - Recross

1 Q. One question. You just mentioned you had discussed it with
2 others in your response just now to the cross-examination to
3 you. Can you give us the names of who those others were?

4 A. Did I say discuss it with others?

5 THE COURT: No. I'm sorry. I misunderstood what the
6 objection was. I'm going to sustain part of your objection,
7 but you can still pose your questions.

8 Ladies and gentlemen, you've heard some testimony from
9 this witness about how he heard alleged reports of other
10 harassment from Ms. Bostick, for example. That is not being
11 received for its truth. He wasn't there when whatever happened
12 to Ms. Bostick happened to her. It's being received only to
13 explain his state of mind and why he, in this case, reported to
14 counsel and why he took other steps. So you can only consider
15 it for that limited purpose, but not for its truth.

16 If you have other questions, Mr. Dennis --

17 MR. DENNIS: No. I just.

18 THE COURT: I misunderstood what you were getting at.

19 MR. DENNIS: OK.

20 THE COURT: Thank you very much.

21 You may step down.

22 THE WITNESS: Thank you, your Honor.

23 (Witness excused)

24 THE COURT: Please call your next witness.

25 MS. KUSHNER: The government calls Philip Fanara.

MacWden4

Fanara - Direct

1 PHILIP FANARA,

2 called as a witness by the government,

3 having been duly sworn, testified as follows:

4 THE COURT: Counsel.

5 DIRECT EXAMINATION

6 BY MS. KUSHNER:

7 Q. Mr. Fanara, where do you work?

8 A. I'm an independent contractor for AT&T.

9 Q. How long have you been in that role?

10 A. I've been in that role for almost ten years.

11 Q. Prior to that, what did you do?

12 A. I worked for them as an employee for an additional 16
13 years.

14 Q. What is AT&T?

15 A. It sells communication products.

16 Q. What types of services does it provide?

17 A. Wireless communication services.

18 Q. Are you familiar with the records of AT&T?

19 A. Yes.

20 Q. I'm showing you what's been marked for identification
21 purposes as Government Exhibit 402, Government Exhibit 405,
22 Government Exhibit 406, and Government Exhibit 408. Do you
23 recognize those documents?

24 A. Yes.

25 Q. What are they?

MacWden4

Fanara - Direct

1 A. They're various reports for AT&T.

2 Q. Have you reviewed these records in advance of your
3 testimony here today?

4 A. Yes.

5 Q. Are all these records kept in the regular course of AT&T's
6 business?

7 A. Yes.

8 Q. And is it the regular practice of AT&T to make and to keep
9 such records?

10 A. Yes.

11 Q. Were these records made or the documents received at or
12 near the dates reflected on those documents?

13 A. Yes.

14 MS. KUSHNER: The government offers Government
15 Exhibits 402, 405, 406, and 408 into evidence.

16 THE COURT: Any objection?

17 MR. DENNIS: No objection, your Honor.

18 THE COURT: Received.

19 (Government Exhibits 402, 405, 406, and 408 received
20 in evidence)

21 BY MS. KUSHNER:

22 Q. Turning your attention to Government Exhibit 402, what type
23 of information is shown here?

24 A. This is a subscriber information for an AT&T Wireless
25 customer.

MacWden4

Fanara - Direct

1 Q. And who is the subscriber here?

2 A. Willie Dennis.

3 Q. And what is the phone number to which Willie Dennis is
4 subscribed to?

5 A. 646-418-3329.

6 Q. Do you see here where it says "customer since" on the
7 left-hand side?

8 A. Yes.

9 Q. What does that mean?

10 A. That's when the customer first activated the wireless
11 service with AT&T.

12 Q. And who is the customer here?

13 A. Willie Dennis.

14 Q. And how long has he been a customer for, according to this
15 record?

16 A. This record was set up in September 30, 2022. So from
17 September 24, 2009, to September -- at least September 30,
18 2022.

19 Q. Does the September 30, 2022, date simply reflect the date
20 this document was prepared?

21 A. Yes.

22 Q. Do you see towards the middle of this document where it
23 says "billing party"?

24 A. Yes.

25 Q. Who is listed as the billing party?

MacWden4

Fanara - Direct

1 A. Willie Dennis.

2 Q. And what's the billing address?

3 A. P.O. Box 872, New York, New York 10150.

4 Q. And do you see right below that there's a chart titled
5 "user information"?

6 A. Yes.

7 Q. What type of information is captured in this chart?

8 A. That information is provided on what the user is, who the
9 user is and the call number associated with that.

10 Q. And what is the phone number for the user here?

11 A. 646-418-3329.

12 Q. Who is the user listed here?

13 A. Willie Dennis.

14 Q. And do you see at the bottom it says "contact home email"?

15 A. Yes.

16 Q. What email address is listed there?

17 A. It's willie.dennis@kls.com.

18 Q. Turning your attention to Government Exhibit 406, and
19 directing your attention to page 2 of this document, what type
20 of information is shown here?

21 A. This shows the account notes of a particular wireless
22 customer of AT&T.

23 Q. And turning your attention to Government Exhibit 405, what
24 type of information is captured here?

25 A. This shows payment information for a wireless customer of

MacWden4

Fanara - Cross

1 AT&T.

2 Q. And what wireless customer is reflected on this record?

3 A. It's for phone number 646-418-3329.

4 Q. Do you see the column to the right titled "payment detail"?

5 A. Yes.

6 Q. What type of information is reflected in that column?

7 A. It shows you where the payment detail information came from
8 to pay the bills for the AT&T Wireless customer.

9 Q. And what's the check name listed for each entry shown here?

10 A. They're all Willie Dennis.

11 Q. And turning your attention to Government Exhibit 408, what
12 type of information is shown here?

13 A. It's an IMEI report.

14 Q. What is an IMEI report?

15 A. That shows the serial number of the device that's used for
16 an AT&T Wireless customer.

17 MS. KUSHNER: One moment, please.

18 No further questions.

19 THE COURT: Any cross?

20 MR. DENNIS: Yes.

21 CROSS-EXAMINATION

22 BY MR. DENNIS:

23 Q. I just want to clarify. So, AT&T -- define it for the
24 jury -- has maintained my records for 2009?

25 A. Yes.

MacWden4

Maletta - Direct

1 Q. Through the date -- through the date of -- would you --

2 A. The subscriber information I just saw, guessing again, but
3 if I see it again, in the upper left-hand corner, it should say
4 September 30, 2022.

5 Q. OK. Do you have any information or would AT&T have any
6 information relating to the deletion of all my emails from my
7 phone on January 30 of 2019?

8 A. I have no idea about that, sir.

9 MR. DENNIS: I have no other questions, your Honor.

10 THE COURT: All right. Thank you very much. You may
11 step down.

12 THE WITNESS: Thank you.

13 (Witness excused)

14 THE COURT: Please call your next witness.

15 MS. SIMON: The government calls Jeffrey Maletta.

16 JEFFREY MALETTA,

17 called as a witness by the government,

18 having been duly sworn, testified as follows:

19 THE COURT: Counsel.

20 DIRECT EXAMINATION

21 BY MS. SIMON:

22 Q. Mr. Maletta, what do you do for a living?

23 A. I'm an attorney.

24 Q. Where do you currently work?

25 A. I work at the law firm of K&L Gates.

MacWden4

Maletta - Direct

1 Q. How many lawyers does K&L Gates have?

2 A. Approximately 1,850.

3 Q. How many offices does K&L Gates have?

4 A. 47.

5 Q. Are you based in a particular office?

6 A. I'm in the office in Washington, D.C.

7 Q. Does K&L Gates have a New York office?

8 A. It does.

9 Q. Where is the office located?

10 A. In midtown Manhattan.

11 Q. What is your current position at K&L Gates?

12 A. I'm a partner and I am the general counsel to the firm.

13 Q. How long have you been general counsel?

14 A. For about five and a half years.

15 Q. Generally, what are your duties and responsibilities as
16 general counsel?

17 A. I'm responsible for giving legal advice to the firm, to its
18 lawyers. I also oversee the process of examining new matters
19 and new clients to see if there are conflicts or other reasons
20 we can or cannot take on a new client. And I advise the
21 management committee. And from time to time I'm asked to
22 handle special matters, address issues that certain partners
23 may have raised from time to time.

24 Q. What is the management committee?

25 A. The management committee is a group of, I believe,

MacWden4

Maletta - Direct

1 currently 16 partners in the firm who are charged and have the
2 responsibility for managing the firm's operations and practice.
3 It has the authority really to run the firm in almost all
4 respects.

5 Q. Do you know an individual by the name of Willie Dennis?

6 A. I do.

7 Q. How do you know Willie Dennis?

8 A. Mr. Dennis was a partner in the firm.

9 Q. Do you see Mr. Dennis in the courtroom today?

10 A. I do.

11 Q. Can you please identify him by an article of clothing he's
12 wearing?

13 A. Oh, he's seated --

14 THE COURT: I like the way you're doing it. Where is
15 he seated?

16 THE WITNESS: He's seated directly ahead of you,
17 slightly to your right.

18 THE COURT: The record will reflect the identification
19 of the defendant.

20 MS. SIMON: Thank you, your Honor.

21 Q. Mr. Maletta, during what time period was the defendant a
22 partner at K&L Gates?

23 A. I believe since -- I'm not sure of the start date. I
24 believe from around 2005 to 2019.

25 Q. What happened in 2019?

MacWden4

Maletta - Direct

1 A. In 2019, he was expelled as a partner of the firm.

2 Q. We'll come back to that in a moment.

3 When the defendant was working at K&L Gates, what office
4 did he work in?

5 A. He worked in the New York office.

6 Q. Is that the New York office in Manhattan?

7 A. Yes.

8 Q. Can you describe the nature of your interactions with the
9 defendant prior to 2018?

10 A. They were very limited. I believe we had one interaction
11 when he had a client that had an issue with the Securities and
12 Exchange Commission about producing some documents. It was not
13 an investigation of the client, if I recall. It was simply a
14 document request from the agency, and I handled that for the
15 client.

16 Q. How, if at all, did your interactions with the defendant
17 change over time?

18 A. In 2018, I was asked by the firm's managing -- global
19 managing partner -- excuse me -- to meet with Mr. Dennis to
20 talk about some matters he had been raising with the global
21 managing partner.

22 Q. What, if anything, did you discuss with the defendant
23 regarding his separation from the law firm?

24 A. Well, Mr. Dennis and I met once in New York in a restaurant
25 near Penn Station, where he raised some issues he had about

MacWden4

Maletta - Direct

1 certain things that were going on in the law firm. I -- I
2 listened to what he had to say, and I said I would look into
3 them and I would get back to him for further, for further
4 conversations.

5 About two weeks after that, shortly after Thanksgiving, I
6 had a conversation with him where he said that he, at least as
7 to one of the issues, he didn't want to pursue it anymore; he
8 had decided that he wanted to explore other opportunities and
9 leave the law firm.

10 MR. DENNIS: Objection, your Honor.

11 THE COURT: Ground.

12 I'm sorry?

13 MR. DENNIS: Untrue statement.

14 THE COURT: Well --

15 MR. DENNIS: I never --

16 THE COURT: That's for cross-examination.

17 BY MS. SIMON:

18 Q. Mr. Maletta, turning your attention to January 2019, can
19 you describe the defendant's conduct at that time?

20 A. We had some exchanges of information back and forth, and in
21 about the middle of January, he began to send emails, which
22 would be forwarded to me, and some text messages to some
23 partners in the firm, making allegations against the partners
24 or about the partners, which were not true. This continued for
25 several days, and I made several requests for Mr. Dennis to

MacWden4

Maletta - Direct

1 stop sending the emails; that if he had issues, he could
2 present them to me and that I would convey them to the
3 management committee, which had the authority to address the
4 issues, but that he should not send these emails, repetitive
5 emails to people in the firm.

6 Q. And why did you take those steps?

7 A. Because people who were receiving the emails were coming to
8 me and complaining about them, that they were disruptive; they
9 were harassing in some respects, and that they were disrupting
10 the operation of the firm.

11 Q. Based on your observations, how did you react to the
12 messages?

13 A. Personally --

14 THE COURT: I'm sorry. How did he react to what?

15 MS. SIMON: I'm sorry.

16 Q. The messages that you saw from the defendant in January
17 2019.

18 A. Well, in my view, they were -- they were frequently very
19 repetitive. The statements, the allegations he was making were
20 not true. I had told Mr. Dennis in certain cases, and the
21 recipients had told Mr. Dennis in at least one case, that they
22 were not true, that he repeated -- kept making, kept sending
23 these emails. And so my view of it was that we had to caution
24 him that he had to stop sending the emails.

25 MS. SIMON: Your Honor, may I please have a brief

MacWden4

Maletta - Direct

1 sidebar?

2 THE COURT: I'm sorry?

3 MS. SIMON: May I please have a brief sidebar?

4 THE COURT: Yes.

5 (Continued on next page)

MacWden4

Maletta - Direct

1 (At sidebar)

2 THE COURT: Yes.

3 MS. SIMON: Your Honor, the government is about to
4 elicit testimony regarding the warning emails that were sent by
5 Mr. Maletta to Mr. Dennis and to seek to introduce those
6 documents. These were the subject of the government's motion
7 *in limine*, and the government is offering those documents to
8 show their effect on the defendant, and your Honor had reserved
9 on the relevance of those documents. The government believes
10 that those documents are relevant because they bear both on the
11 defendant's --

12 THE COURT: Yes, I think the foundation has now been
13 laid for that through previous witnesses as well as the
14 introduction here, so I will allow it. Of course, there will
15 be cross-examination.

16 MS. SIMON: Can I, before we -- I didn't hear
17 everything that she just said.

18 THE COURT: Oh, I'm sorry. She wants to introduce the
19 warnings that were given to you by Mr. Maletta, whatever they
20 happen to be. They're being introduced for your state of mind.
21 Basically, the government's argument is that after you got
22 these warnings and you continued to send emails, you intended
23 for them to have an ulterior purpose of harassment. That's
24 their argument. Obviously you disagree, but that's the basis
25 for the proffer, so I'm going to allow it.

MacWden4

Maletta - Direct

1 MR. DENNIS: One question. You put a date. You said
2 you made the initial in May.

3 MS. SIMON: No. I'm sorry. These were emails that
4 were sent by Mr. Maletta in January and February of 2019.

5 MR. DENNIS: But did you make a motion in May?

6 Can you read back exactly --

7 MS. SIMON: No. Motions *in limine*.

8 MR. DENNIS: In May.

9 THE COURT: No, no, no. These were the motions *in*
10 *limine*.

11 MS. SIMON: Sorry. And also, your Honor, the
12 government intends to offer at the same time several emails
13 that were sent by the defendant to K&L Gates email addresses.

14 THE COURT: Of course.

15 MS. SIMON: We intend to do it at the same time just
16 for efficiency.

17 THE COURT: That's fine.

18 (Continued on next page)

MacWden4

Maletta - Direct

1 (In open court)

2 BY MS. SIMON:

3 Q. Mr. Maletta, you have a binder sitting in front of you
4 containing documents marked for identification as Government
5 Exhibits 501 through 504, 509, 515, 516, 520, 523 through 526,
6 528, and 529.

7 THE COURT: Incidentally, ladies and gentlemen, all
8 the exhibits will be sent to you before you start your
9 deliberations so you don't have to worry that you don't
10 remember any particular exhibit. They'll all be given to you
11 at the time of your deliberations.

12 A. I have the binder, yes.

13 Q. Do you recognize that binder?

14 A. I do.

15 Q. How do you recognize it?

16 A. This is a binder of exhibits that your office provided to
17 me a few days ago.

18 Q. What are the documents contained in that binder?

19 A. The documents contained in the binder are copies of emails
20 to -- some from Mr. Dennis directed to me, some from Mr. Dennis
21 directed to other people, received -- well, some of them --
22 they were all received at the law firm, on the law firm's email
23 server.

24 Q. And referring to Government Exhibits 501 and 502 --

25 A. Yes.

MacWden4

Maletta - Direct

1 Q. -- are those also -- what are those documents?

2 A. These are emails that I sent to Mr. Dennis in late January
3 2019.

4 Q. And referring to all of the exhibits in the binder, were
5 you able to confirm that those documents are true and correct
6 copies of emails sent or received from K&L Gates email
7 addresses?

8 A. Yes, I was able to locate all of the documents and the
9 email files in our Outlook email system. They were, therefore,
10 on the server in the law firm, and I can access them through my
11 Outlook at the firm.

12 Q. And what fields did you review to confirm that information?

13 A. Well, the "to" and "from" lines first; the subject matter
14 and the text of the emails themselves.

15 Q. And did you look at the time stamp on the emails?

16 A. I did.

17 Q. And are they in a particular time zone?

18 A. They have a time stamp of UTC, which I understand is
19 Universal Time.

20 Q. How does UTC compare to Eastern Time?

21 A. UTC is, depending on the season, whether we're in Daylight
22 Savings Time or regular standard time, is either four or five
23 hours ahead of Eastern Standard Time or Eastern Daylight Time.

24 Q. Does the data reflected in these emails -- such as the
25 date, time, sender, recipient -- reflect records that are made

MacWden4

Maletta - Direct

1 and kept in the regular course of business by K&L Gates?

2 A. Yes, these are located on our server.

3 Q. Is that data recorded by K&L Gates's server at or near the
4 time of the events recorded therein?

5 A. That's when the emails would have been received by the
6 server, at the time that's reflected on the emails.

7 Q. Is it the regular practice of K&L Gates to maintain these
8 records?

9 A. Yes, insofar as individual -- we maintain records on the
10 server. Individual lawyers may delete individual emails from
11 time to time from their own Outlook boxes.

12 MS. SIMON: The government offers Government Exhibits
13 501 through 504, 509, 515, 516, 520, 523 through 526, 528, and
14 529.

15 THE COURT: Any objection?

16 MR. DENNIS: No objection, your Honor.

17 THE COURT: Received.

18 (Government Exhibits 501-504, 509, 515, 516, 520,
19 523-526, 528, and 529 received in evidence)

20 BY MS. SIMON:

21 Q. Mr. Maletta, turning your attention back to the defendant's
22 conduct in early 2019, what steps, if any, did you take in
23 response to these emails sent by the defendant to firm
24 employees in January 2019?

25 A. Well, first we sent -- I sent him, I spoke to him and I

MacWden4

Maletta - Direct

1 sent emails asking him to stop sending emails on these issues,
2 on these matters to other lawyers in the firm and to direct any
3 emails and any discussion he wished to have on these topics to
4 me, if that's what he wished to do.

5 Q. I'm showing you an exhibit marked Government Exhibit 501.

6 A. Yes, I have that.

7 MS. SIMON: And your Honor, permission to publish that
8 to the jury?

9 THE COURT: Yes.

10 BY MS. SIMON:

11 Q. Mr. Maletta, what is the date of this email?

12 A. The email is dated Saturday, January 26, 2019.

13 Q. Who is the sender?

14 A. I sent this email.

15 Q. Who did you send it to?

16 A. I sent it to Mr. Dennis.

17 Q. Did you send it to Mr. Dennis at a particular email
18 address?

19 A. Yes. That email address willie.dennis@klgates.com, is the
20 firm's -- that's the firm's domain name, and that is our
21 internal email address for the law firm or our law firm email
22 address.

23 Q. Can you please read the email aloud?

24 A. "Willie, I have become aware that despite repeated requests
25 to stop, you are once again sending multiple emails to partners

MacWden4

Maletta - Direct

1 around the firm. In many of the emails you repeat allegations
2 which, as we have told you repeatedly, are not true. In some
3 cases you have started texting partners these comments as well.
4 This conduct must stop immediately. At a minimum, it amounts
5 to harassment of some of our partners, and the statements in
6 some cases are defamatory. If you persist, the firm will be
7 forced to take action to protect its partners from this
8 behavior.

9 "I have instructed recipients of these emails not to
10 respond to them. If you have matters you wish to communicate
11 to the firm, you may do so by sending emails to me. I will see
12 that others receive the information as appropriate."

13 Q. Why did you send this message to Mr. Dennis?

14 A. By this time, he had been sending emails to individuals in
15 the firm, as to which I stated here, are not true and he's
16 beginning to send them to other people around the firm, making
17 comments about partners and other lawyers in the firm that were
18 not true. The conduct was proving to be disruptive. Certain
19 individuals found it -- appeared to be harassing for certain
20 individuals, because they were repeated emails or repeated text
21 messages, and I wanted him -- we wanted him or our management
22 wanted him to stop this conduct so that we could address the
23 issues that he had raised earlier in the appropriate way and
24 not disrupt the firm the way he was doing.

25 Q. In January 2019, approximately how many emails did Mr.

MacWden4

Maletta - Direct

1 Dennis send to K&L Gates employees?

2 A. Dozens. Perhaps -- perhaps hundreds. A very large number
3 of emails.

4 Q. Drawing your attention to the last paragraph, you state, "I
5 have instructed recipients of these emails not to respond to
6 them." Did you, in fact, instruct K&L Gates employees not to
7 respond to Mr. Dennis's communications?

8 A. Yes, I did.

9 Q. Why did you do that?

10 A. Because we wanted to have a dialogue with Mr. Dennis on the
11 issues that was headed -- that was in the appropriate, through
12 the appropriate channel, with me as general counsel and then me
13 reporting whatever I needed to report to management, the
14 management committee, so decisions could be made.

15 Q. What did the defendant do after you sent him this email?

16 A. He continued to send emails and to larger groups of people
17 and at one point said he was going to send, I believe, an email
18 to the entire firm complaining about one partner in particular.

19 Q. How would you describe these emails?

20 A. They were much the same as the emails we've seen before.
21 They were false. They made false allegations about one
22 individual in particular, about how he cost the firm millions
23 of dollars in terms of the client relationship, when in fact
24 that lawyer had had nothing to do with the client relationship
25 he was complaining about.

MacWden4

Maletta - Direct

1 Other emails accused other partners, another partner of
2 gross negligence, and at times I believe he said he wanted the
3 firm to sue this individual partner. And these emails were
4 sent to a fairly significant group of -- number of partners in
5 the firm.

6 MS. SIMON: One moment, please.

7 Your Honor, may I have one moment?

8 THE COURT: Yes.

9 BY MS. SIMON:

10 Q. Mr. Maletta, what steps, if any, did you take in response
11 to the defendant's conduct next?

12 A. After he'd disregarded this email, exhibit 501, and
13 continued to send the emails, consulted with other members of
14 management, and we decided that we had to stop him from sending
15 emails over the email system. So we blocked his access to the
16 email system, the firm's email system, and we asked him not to
17 come into the office and deactivated his key card to the
18 office, because, in an attempt to put an end to the disruptive
19 behavior.

20 Q. And when did you take these steps?

21 A. A few days after this. I believe it was effective on
22 January 30.

23 Q. I'm sorry. I didn't quite hear that.

24 A. I'm sorry. I believe it was effective on January 30.

25 Q. Of 2019?

MacWden4

Maletta - Direct

1 A. Of 2019, yes.

2 Q. What does it mean that the defendant was blocked from the
3 firm's email?

4 A. He could not access the firm's email address -- rather,
5 email, so that he could no longer send emails of the nature of
6 what he'd been sending before over the firm's system, using his
7 firm email address. He could not access the email system
8 generally inside the firm, so he was not able to continue
9 sending the emails we had described earlier.

10 Q. Why did you take the steps that you just described at the
11 end of January 2019?

12 A. Because despite repeated admonitions, repeated warnings
13 that we'd given him and repeated requests to have him stop
14 sending these emails around the firm, because of the disruption
15 they were causing and the complaints we were getting about
16 them, this was the only way we felt we could address the issue
17 at the time.

18 Q. I'm sorry. You may have already mentioned this, but did
19 you take any other steps with respect to the defendant's
20 conduct at this time?

21 A. We also deactivated his key card so that he could not
22 access the office, because we were concerned about the
23 disruption it might be causing.

24 Q. Turning your attention to Government Exhibit 502 --

25 A. I see it, yes.

MacWden4

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1 Q. -- what is the date of this email?

2 A. The date is Wednesday, January 30, 2019.

3 Q. Who sent this email?

4 A. I sent the email.

5 Q. Who did you send it to?

6 A. I sent it to Mr. Dennis.

7 Q. Did you send it to Mr. Dennis at a particular email
8 address?

9 A. This one I sent to his K&L Gates email address.

10 Q. Can you read the first paragraph of this email aloud?

11 A. "Willie, we have repeatedly requested that you refrain from
12 sending emails within the firm containing false allegations
13 against it and making demands of other partners and that you
14 communicate any concerns you may have exclusively to me as the
15 firm's general counsel. Unfortunately, you have not honored
16 these reasonable requests, and therefore, you leave us no
17 choice but to take steps to prevent this conduct from
18 continuing."

19 Q. Why did you write that to Mr. Dennis?

20 A. Well, explaining to him why we were doing what we were
21 doing, that he had failed to abide by the reasonable requests
22 that we work through his issues through firm channels.

23 Q. Can you please read the first two sentences of the second
24 paragraph?

25 A. "Effective immediately your access to the firm's emails and

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1 the IT systems has been suspended. Your key card access to the
2 office has also been suspended, and you should not come into
3 the office until advised that you may do so."

4 Q. Why did you write that?

5 A. Well, we told him that his email, we had to advise him that
6 his email had been suspended, his access had been suspended,
7 and similarly, his key card access had been suspended, and
8 until we advised him further he should not come into the
9 office.

10 Q. Drawing your attention to the version of Government Exhibit
11 502 that's on the screen, do you see those question marks --

12 A. I do.

13 Q. -- in there?

14 Are those question marks in the paper copies of the
15 exhibits that you have?

16 A. I don't believe -- let me check.

17 No, they're not.

18 Q. And did you write those question marks in the emails to Mr.
19 Dennis?

20 A. No, I did not.

21 Q. And did you confirm that the versions in your binder, the
22 paper copies, are the true and correct versions of the
23 documents on K&L Gates's server?

24 A. Yes, the ones in my binder are what you see on the server.

25 Q. Yes. And so are these question marks here on the screen

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1 just a formatting issue, as you understand it?

2 A. That's what I would understand. They're not on the emails
3 as I reviewed them to confirm that what I have in the binder
4 is, in fact, on the system.

5 Q. Drawing your attention to the third paragraph, can you
6 please read the first sentence aloud?

7 A. "We will be making a financial proposal to you shortly as
8 part of an overall separation from the firm."

9 Q. Do you know whether a financial proposal was made to the
10 defendant?

11 A. Yes, there was. It was in connection with his earlier
12 stated intention that he wanted to explore leaving the firm and
13 would do so in exchange for some consideration about some
14 client matters.

15 Q. Do you know whether Mr. Dennis accepted that financial
16 proposal?

17 A. He did not.

18 Q. What, if anything, did Mr. Dennis say in response to the
19 financial proposal made to him by the firm?

20 A. We made a proposal to him and sent it to -- and sent it to
21 him by email. And shortly thereafter, he said that it was not
22 acceptable, and he proposed or made a request that we pay him
23 instead approximately, somewhere in the neighborhood of about
24 \$20 million, but millions of dollars.

25 Q. Drawing your attention back to Government Exhibit 502, can

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1 you please look at the second paragraph again and read the last
2 two sentences aloud?

3 A. "We will make arrangements to monitor your inbox and will
4 forward any client-related matters to the appropriate lawyers
5 in the firm. We will also forward any personal emails to you
6 at an email address you provide."

7 Q. And can you also read the first sentence of the last
8 paragraph aloud?

9 A. "Willie, it is our intention to work with you cooperatively
10 in good faith as we attempt to effect an amicable separation."

11 MS. SIMON: Thank you. Ms. Geier, you can please take
12 Government Exhibit 502 down.

13 Q. Mr. Maletta, what happened next after the defendant was
14 locked out of his K&L Gates email account?

15 A. He used a personal Gmail account and ultimately more than
16 one Gmail account to continue to send emails in the direction
17 or addressed to people in the firm, partners in the firm and
18 other people of the firm.

19 Q. How do you know that?

20 A. Because we set up a rule after, shortly after he began to
21 do that, because he was trying to, seemed like he was
22 recreating the problem that we had tried to address in sending
23 emails to everybody in the firm, making similar allegations.
24 We set up a rule through the IT system where the emails that he
25 sent in to the firm from a particular Gmail account would be

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1 captured and they would be directed to me and to Mr. Tea, Chip
2 Tea, who is the deputy general counsel for the law firm.

3 Q. And you referred to a personal email account?

4 A. Mr. Dennis had a personal email account that he was using
5 and we had seen before, actually. We didn't know if it was the
6 one he wanted to continue to use, which is why we asked him if
7 that was the appropriate account, but he had a personal email
8 account, which I believe was woc2020@gmail.com.

9 Q. And how did you know that email address was associated with
10 the defendant?

11 A. Well, because when we received the emails, because of the
12 nature of the emails, the subject matter of the emails, content
13 of the email, it was pretty clear that it was Mr. Dennis
14 sending the emails. And we'd also, I believe, by this time
15 seen a personal email address that he'd used and copied to
16 himself when sending firm communications.

17 Q. You testified regarding a rule regarding emails from Mr.
18 Dennis's Gmail that were directed to you and Mr. Tea. When was
19 that rule set up?

20 A. It was set up shortly after January 30, once he began
21 sending emails in to the firm that were similar to the emails
22 that he had been sending before we'd blocked his firm account.
23 He'd sent similar emails coming in to the firm using the Gmail
24 account to the same effect, that it was causing, potential to
25 cause disruption. So we blocked that so that we could avoid

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1 the problem that we were having the first time around.

2 Q. And after that rule or block was set up, did you see emails
3 from Mr. Dennis's woc2020@gmail.com that were directed at K&L
4 Gates's email addresses?

5 A. Yes, I did.

6 Q. What were the nature of the messages in February 2019?

7 A. Many of them were similar to the messages we'd seen
8 earlier, raising the same types of allegations, making the same
9 types of -- well, same types of allegations, saying the same
10 sorts of things about the partners that he had been saying
11 earlier, prior to the time we took off the email in the firm.
12 He also sent some other -- he also sent some communications
13 directly to me and to Mr. Tea and to one or two other people in
14 management, complaining.

15 Q. Focusing only on the week or so the defendant was locked
16 out of his firm email address at the end of 2019, to your
17 knowledge, approximately how many emails were sent from the
18 woc2020@gmail.com account to K&L Gates employees?

19 A. I think between the time he was locked out and within a
20 week or ten days thereafter, I believe he sent about,
21 approximately a hundred emails directed at the firm, at people
22 in the firm.

23 Q. And you mentioned that you took steps to impose the rule
24 concerning Mr. Dennis's emails from that WOC2020 Gmail address?

25 A. Yes. A rule's essentially, as I understand it, an IT

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1 program that is put in to the email system so that when
2 something comes in, it is directed to a certain file, to a
3 certain person. That's what we mean when we say a rule. And
4 so we set up a rule so that we would see the emails as they
5 came in. They would be captured and they would be sent to me
6 as the general counsel and to Mr. Tea as the deputy general
7 counsel.

8 Q. When you say they were sent to you and to Mr. Tea, were
9 those emails sent to their intended recipients?

10 A. Not at first, no.

11 Q. So the rule routed the emails to you rather than to the
12 intended recipient?

13 A. That's correct.

14 Q. And why did you impose this particular system?

15 A. To avoid the problem we were having before we'd taken Mr.
16 Dennis off the firm email system, that he was effectively
17 bombarding people with emails that were disruptive to the work
18 of the firm. We can't have that. You can't have that in the
19 firm.

20 Q. And why not?

21 A. Because it disrupts the work of the firm. You sit at your
22 screen and see email after email after email come in on topics
23 which, in many cases, the allegations were untrue. In many
24 cases, they were -- in some cases, they were insulting. In
25 other cases, they were just harassing. And just the number and

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1 volume of emails that were coming in when you're sitting at
2 your workstation and your email lights up with additional
3 emails on a regular basis, it's very disruptive to the work of
4 the office.

5 Q. What did you do with the emails from the defendant when you
6 received them after January 2019?

7 A. I read them.

8 Q. Did you do anything else after you read them?

9 A. Kept them on, in files. Mr. Tea and I kept -- Mr. Tea kept
10 a folder, a regular folder of all emails Mr. Dennis sent to the
11 firm. And then in certain cases, where we saw certain things
12 in the emails that were particularly concerning, we felt, to a
13 particular individual, we would advise that individual that
14 this had come in, because we felt they needed to know about
15 this.

16 Q. And when you say particularly concerning, what do you mean
17 by that?

18 A. That were, made statements about the individual that could
19 be concerned -- that would indicate that they could be some
20 form of, of not necessarily a threat of violence, but they were
21 disturbing comments, and we felt people had a right to know
22 that.

23 Q. Why did you feel people had a right to know?

24 A. They had a right to know what was being said about them.

25 Q. What did the defendant do after the firm blocked his

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1 woc2020@gmail.com address?

2 A. Eventually he set up other Gmail accounts. I believe he
3 had a total of six, and he used those separate email accounts
4 to send emails in to the firm, some of them similar, many of
5 them similar to what he had sent earlier on his firm email
6 account and on his WOC2020 account.

7 Q. And how did you know those email addresses were associated
8 with Mr. Dennis?

9 A. Generally, the subject matter and the content of the emails
10 were very similar to what we'd seen on the WOC2020 account.

11 Q. Did you see some of these emails?

12 A. I did.

13 Q. What, if anything, did you do in response?

14 A. We set up a rule so that these emails would be captured and
15 blocked much the same way as the WOC2020 emails that were
16 captured and blocked from going to the intended recipient or
17 the addressee, and they were forwarded to me and to Mr. Tea for
18 review.

19 Q. Between January and May 2019, did you continue to see
20 emails from email addresses you believed to be associated with
21 the defendant directed at K&L Gates email addresses?

22 A. Yes.

23 Q. Can you describe the nature of those emails?

24 A. Many were very similar to what had gone before. There were
25 some new types of emails, where he was communicating with

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1 outside parties and making false allegations about the firm,
2 including to a clerk of the court at one point. And then there
3 were emails where he would address -- he addressed some
4 directly to me and to Mr. Tea on issues.

5 Q. Based on the data routed to you, between January and May
6 2019, approximately how many emails did the defendant send to
7 K&L Gates email addresses?

8 A. It would have been hundreds.

9 Q. You testified earlier that the defendant stopped working at
10 K&L Gates in May 2019?

11 A. That's correct.

12 Q. What happened in May 2019?

13 A. He was expelled by a vote of the partnership.

14 Q. Was there a process for his expulsion?

15 A. There is a process. It's in the partnership agreement,
16 which is the contract which all partners sign and forms the
17 basis of governing how the firm operates. Under certain
18 circumstances, the management committee can consider a matter
19 and make a recommendation to the partnership that the
20 partnership vote to expel the partner, and that process was
21 followed here.

22 Q. And what was the vote for Mr. -- what was the vote for Mr.
23 Dennis's expulsion?

24 A. The vote is required -- the partnership agreement requires
25 a two-thirds vote of what are called the equity partners. It's

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1 a class of partners, about 400 of them. And the vote easily
2 passed the two-thirds requirement. My recollection is that
3 there were no "no" votes.

4 Q. To your knowledge, has a partner ever been expelled from
5 the K&L Gates partnership before?

6 A. No. Many occasions recommendations have been made,
7 conversations are held with that partner, and in every other
8 instance the partners have withdrawn voluntarily.

9 Q. How, if at all, did the decision to expel the defendant
10 relate to the defendant's email messages that you saw in --
11 between January and May 2019?

12 A. It was a very significant portion. It's not the only
13 reason. There were other reasons, but it was a very material
14 reason for the decision -- continuing sending emails while he
15 was a partner despite requests that the activity stop, requests
16 from management through general counsel it stop, which he
17 disregarded, and then the continuing sending of emails through
18 multiple email addresses afterwards from outside the firm on
19 the Gmail accounts, including similar emails making false
20 allegations but also emails that were sent to outside third
21 parties which made false statements about the firm,
22 essentially.

23 (Continued on next page)

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MALETTA - DIRECT

1 BY MS. SIMON:

2 Q. Did any of the other reasons for Mr. Dennis' expulsion from
3 the firm involve discrimination against Mr. Dennis?

4 A. No. No, it was based all on his conduct, with email and
5 other conduct. You did not have that kind of conduct with a
6 partner at your law firm. No law firm could stand this. It
7 was very disruptive and damaging to the reputation of the firm.

8 Q. Was it related at all to any complaints by Mr. Dennis of
9 discrimination?

10 A. No.

11 Q. After the defendant was expelled from the law firm, did you
12 continue to communicate with him regarding certain
13 administrative matters?

14 A. We did. After he was expelled from the law firm, he
15 received notices about how to continue his benefits, including
16 his health insurance. It's called COBRA, which is a federal
17 statute that requires employers to offer employees to continue
18 to seek health insurance and other benefits that they have
19 through their employer. And he received those notifications.

20 For some reason, he seemed not to appreciate what he had
21 received. He communicated to the firm about setting up
22 arrangements for COBRA benefits, continuing health insurance
23 and we assisted him.

24 Q. How did you communicate with Mr. Dennis regarding these
25 matters?

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1 A. It was by email, one of the email accounts.

2 Q. One of the email accounts you referenced previously?

3 A. I believe it was the woc2020 account that we used in
4 communicating.

5 Q. What time period are the conversations that you are
6 describing?

7 A. There were two really. There was one in May of 2019, May
8 and June of 2019. We also helped him at that time -- in
9 addition to continuing his health insurance benefits, we also
10 helped him get access to his retirement funds that he needed to
11 pay off an outstanding debt.

12 Q. And after May 2019, did Mr. Dennis contact the firm again
13 regarding his health insurance?

14 A. He did. At the end of the year, he contacted the firm to
15 say that he had been unable to or had forgotten to or
16 overlooked the steps he needed to take to renew his -- continue
17 his health insurance and could the firm help him get that
18 health insurance back on, and we did. We took steps at that
19 point to contact the insurer and made it possible for him to
20 continue his health insurance benefits.

21 Q. Was this at the end of 2019?

22 A. This was the end of 2019, yes.

23 Q. Did there come a time when the defendant filed a civil
24 lawsuit against K&L Gates?

25 A. Yes, he did.

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1 Q. Does the lawsuit name the firm and certain partners
2 individually?

3 A. Yes, it does.

4 Q. Does it name you individually?

5 A. I am one of the individuals who is named, yes.

6 Q. At a high level, what is the nature of the defendant's
7 lawsuit?

8 A. It's a lawsuit that alleges discrimination.

9 Q. When was the lawsuit filed?

10 A. The lawsuit was filed in November of 2020.

11 Q. Is the lawsuit ongoing?

12 A. It's still pending. It's stayed. It's not active. And in
13 fact, the lawsuit -- the claims have been referred to
14 arbitration under the partnership agreement, which is the
15 required way of disputes -- resolving disputes with partners.

16 Q. Is K&L Gates opposing that lawsuit?

17 A. Yes.

18 Q. Prior to the filing of the lawsuit, did you receive any
19 communications regarding claims by Mr. Dennis concerning his
20 employment?

21 A. We did receive a copy, I believe, in August of 2020 of
22 what's called a right to sue letter, which is a letter issued
23 by a federal agency called the Equal Employment Opportunity
24 Commission, the EEOC. As I understand the law, it's a
25 requirement before you file a lawsuit making certain

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1 allegations of certain types of discrimination, that you
2 present whatever your claims may be to the EEOC as a
3 prerequisite, as a requirement before you are allowed to file a
4 lawsuit. And we received notice or a copy of the right to sue
5 letter from the EEOC in August. We didn't -- we did not know
6 that a claim had been made before then.

7 Q. What is your understanding of the significance of a right
8 to sue letter?

9 A. It simply says to the -- it advises the person who has made
10 the claim that he or she has satisfied the administrative
11 requirement of going to the EEOC with whatever the claim is and
12 that he satisfied the requirement and he may file a lawsuit, if
13 he chooses.

14 Q. Is the right to --

15 A. The one we received had no determination on the merits of
16 the claim whatsoever.

17 Q. Thank you. You anticipated my next question.

18 Does the existence of the defendant's lawsuit have any
19 impact on your testimony here today?

20 A. No.

21 Q. After the defendant was expelled from the firm in May 2019,
22 did you continue to receive emails from the defendant sent to
23 K&L Gates employees?

24 A. Yes. They would be directed to me and to Mr. Tea by the
25 rule, whenever he sent an email addressed to someone in the

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1 firm.

2 Q. I'm showing you a document marked Government Exhibit 503.

3 What is the date of this email?

4 A. The email is Friday, June 7th, 2019.

5 Q. Who is it from?

6 A. It's from Mr. Dennis at his woc2020 Gmail account.

7 Q. Who is this email to?

8 A. It's addressed to Michael Zanic.

9 Q. Who is Michael Zanic?

10 A. Michael Zanic was a partner in the Pittsburgh office of K&L
11 Gates. He spent some time in management of the firm and was --
12 his practice was principally litigation.

13 Q. Did you receive this email around the time it was sent?

14 A. Yes, I did.

15 Q. If it's addressed to Mr. Zanic and not to you, how did you
16 receive it?

17 A. I mentioned earlier the rule that we had set up for email.
18 When emails came in from one of Mr. Dennis' several email
19 accounts addressed to people in the firm, in order to avoid the
20 problems we had been having earlier, those emails would be
21 captured and directed to me and to Mr. Tea and not sent to
22 however many people he had addressed them to. So we would get
23 them, I would see them. They would come on my email and they
24 would come in on Mr. Tea's email.

25 Q. Can you read the subject line and the body of the email

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1 aloud.

2 A. Subject line is "Now."

3 Q. And the body?

4 A. "He just came into the room."

5 Q. Now, directing you to Government Exhibit 504.

6 A. I have it.

7 Q. Who is this email from?

8 A. It's from Mr. Dennis at the woc2020 Gmail account.

9 Q. Who is it to?

10 A. It's addressed, again, to Mr. Zanic.

11 Q. And what is the date and time of this email?

12 A. This email is at 11:55 -- I'm sorry, it's on June 7th, 2019
13 at 11:55 a.m. UTC, which would have been, I believe,
14 7:00 o'clock, 7:55 Eastern Daylight Time.

15 Q. And how does the time of Government Exhibit 504 compare to
16 the time of Government Exhibit 503?

17 A. It's shortly thereafter, a few minutes.

18 Q. And who is this a photo of in Government Exhibit 504?

19 A. The gentleman in profile is Eric Cottle. He's a partner in
20 the firm.

21 Q. When you saw these emails, Government Exhibit 503 and
22 Government Exhibit 504, what did you understand them to mean?

23 A. That Mr. Dennis was waiting for Mr. Cottle at this meeting.
24 It appears it's a -- it appears to be a meeting or a conference
25 in a conference room of some sort and that he was taking a

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1 picture of him and sending them to Mr. Zanic to let Mr. Zanic
2 know that he knew where Eric was, he was following him.

3 Q. What did you do upon seeing these emails?

4 A. I wrote to Mr. Zanic. I sent these emails and some related
5 emails to Mr. Zanic to explain what was going on, and Mr. Tea,
6 I believe, he and I discussed communicating with Mr. Cottle
7 about the situation.

8 Q. Why did you take those steps?

9 A. First of all, we needed to let Mr. Zanic know that this was
10 going on. He was a mentor for Mr. Cottle and had been for
11 years. And we wanted to alert Mr. Cottle to the fact that
12 these emails were coming in, including photographs of him.

13 Q. Why did you want to alert Mr. Cottle to that news?

14 A. Because he had a right to know what Mr. Dennis was up to at
15 this point.

16 THE COURT: I'm sorry, counsel, I think we need to
17 give the jury their lunch break, so maybe this is a good time.

18 MS. SIMON: I think this is a good time, your Honor.
19 Thank you.

20 THE COURT: Ladies and gentlemen, we'll take an hour
21 for lunch and then we'll resume at about ten minutes before
22 2:00.

23 MR. DENNIS: During lunch, I'd like to get a copy of
24 the transcript from Mr. Cottle's --

25 THE COURT: Let the jury go, and then we'll take this

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up.

MR. DENNIS: Okay.

(Jury excused)

(Continued on next page)

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(Jury not present)

THE COURT: You can step down. We will see you in one hour.

THE WITNESS: Thank you.

THE COURT: Mr. Dennis, you wanted a copy of his testimony so far?

MR. DENNIS: Yes.

THE COURT: Okay. I think that can be arranged.

Now, what I'll ask you in return is that you use part of the lunch hour to prepare your cross so we don't have a big delay. It doesn't have to be worked on.

Print it out the same way I saw it, and you can charge the government for it.

We'll see you in an hour.

(Recess)

(Continued on next page)

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AFTERNOON SESSION

1:50 p.m.

(In open court; jury present)

THE COURT: Counsel.

MS. SIMON: Thank you, your Honor.

BY MS. SIMON:

Q. Mr. Maletta, before the lunch break, we were discussing
Government Exhibits 503 and 504.

MS. SIMON: Ms. Geier, can you please pull up
Government Exhibit 504.

Q. Mr. Maletta, after you saw these emails, referring to
Government Exhibit 503 and 504, did you receive any other
emails from the defendant directed at Mr. Cottle?

A. Yes. Subsequently, we did.

Q. Turning to Government Exhibit 509.

Mr. Maletta, what's the date of this email.

A. It's Thursday, June 13th, 2019.

Q. Who is it from?

A. It's from Mr. Dennis at his woc2020 email account.

Q. Who is it to?

A. To Eric Cottle.

Q. Is it to Mr. Cottle at a particular email address?

A. It's at his klgates.com email address.

Q. And is anyone else copied on the email?

A. Yes, Mr. Tea, Charles Tea. Chip Tea is the deputy general

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1 counsel of the firm.

2 Q. Drawing your attention to the top email in the chain. Can
3 you please read it aloud.

4 A. Also, Eric, if you find this email menacing as Mr. Tea has
5 suggested you do, please let me know. You can tell me. Best,
6 Willie.

7 Q. Was this the only email you saw from Mr. Dennis directed to
8 Mr. Cottle during this time period?

9 A. No. There were others.

10 Q. And can you remind the jury how you saw this email if it
11 was directed at Mr. Cottle?

12 A. We had set up a rule through the IT system that when emails
13 came into the firm, to the firm's address from certain
14 addresses that Mr. Dennis was using, including the woc2020
15 address, that they would be captured by the rule and sent to me
16 and to Mr. Tea, the deputy general counsel.

17 Q. Directing your attention to June 2019, during that time
18 period, did you continue to have emails from the defendant's
19 email addresses routed to your email inbox?

20 A. Yes.

21 Q. And did you see emails from the defendant in and after
22 June 2019?

23 A. Yes, yes.

24 Q. In June and July 2019, what was the tone of the defendant's
25 emails?

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1 A. They changed considerably over the period June through July
2 and into August. They got -- in my view, they got more
3 disturbing.

4 Q. When you say "disturbing," what do you mean by that?

5 A. Well, they raised topics that he had not raised before;
6 family members, some biblical quotations which were unsettling
7 to read about, some direct attacks on other -- on women in the
8 firm or emails directed to them which they considered menacing.

9 Q. Drawing your attention to Government Exhibit 515.

10 What is the date of this email?

11 A. This is Sunday, June 16, 2019.

12 Q. Who is it to?

13 A. This is to Mr. Bicks, John Bicks.

14 Q. Who is John Bicks?

15 A. John Bicks is the managing partner of the New York office.
16 He's responsible for the management of that office.

17 Q. The New York office of K&L Gates?

18 A. Of K&L Gates, yes.

19 Q. And is there anyone cc'ed on this email?

20 A. Yes, Mr. Greg Vassilakis, who is the director of
21 administration, who handles the administrative aspects of the
22 operations of the office.

23 Q. Can you please read the first email in the chain.

24 A. Yes. Btw -- which I understand means by the way -- what is
25 your wife's name? I need to share with her what you time my

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1 wife. I am sure you do not mind since you communicated with my
2 wife first... clown.

3 Q. And can you also read the bottom message on the chain.

4 A. Hi, John. What are you teaching your kids today, how to
5 get away with sneaky, unethical moves?

6 Q. Was this the only email you saw from the defendant during
7 this time period that mentioned people's wives or children?

8 A. No, no. There were a series of emails further on sent to
9 partners in the firm with similar messages, some of them
10 considerably longer than this, repetitive emails, one after
11 another within a day or part of a day, asking partners what
12 their wives' names were, could Mr. Dennis, the sender of the
13 emails, talk to wives, accusing the partners of talking to his
14 wife. I think there were probably seven or eight of those
15 series directed to partners in the firm over that two or
16 three-day period.

17 Q. And what, if anything, did you do when you saw such emails
18 referencing partners' wives and children?

19 A. Well, I communicated with the partners, sent them copies of
20 the emails and called them and told them what was going on. I
21 wanted to alert them that this was happening, that someone was
22 out there saying they might contact their wife.

23 Q. Why did you take those steps?

24 A. First of all, this was different. This was, as I said,
25 more disturbing, to get messages from someone saying he's going

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1 to contact your wife. The partners certainly had a right to
2 know that. They certainly had the right to tell their wives
3 that this was happening, to alert wives.

4 Q. Mr. Maletta, I'm going to show you Government Exhibit 516.

5 A. I see it.

6 Q. What's the date of this email?

7 A. Friday, June 21st, 2019.

8 Q. And is this one email or is this a series of emails?

9 A. This appears -- this is a series of emails.

10 Q. Who is it from?

11 A. It's from Mr. Dennis at his woc2020 Gmail account.

12 Q. Who is it to?

13 A. It's to me.

14 Q. At a particular email address?

15 A. That's my law firm email address, kl gates.com.

16 Q. Can you please start reading in the middle of the page
17 there, with the email on June 21st, 2019 at 2:20 a.m.

18 A. Such a liar.

19 And then the email --

20 Q. And then you can keep reading going up.

21 A. In sequence, okay.

22 First email is: Such a liar. The next email is: Liar,
23 liar, liar. I am going to pay you back big time. You will
24 never forget. The next portion was: Wanted to break me and my
25 family. Let's go. The next email is: No destroy my family,

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1 zero sum game we are playing now.

2 Q. Do you recall seeing this email around the time it was
3 sent?

4 A. I do.

5 Q. What did you understand this email to mean?

6 A. That in some ways it's a threat, that he's going to get
7 even with me for something. It's going to be possibly directed
8 at my family, possibly not. I can't tell that from what's
9 here. But it certainly is disturbing for me to see that.

10 Q. What did you understand the phrase in the 3:31 p.m. email,
11 "I am going to pay you back big time" to mean?

12 A. It sounded like he was going to exact some kind of revenge
13 for something I had done.

14 Q. After seeing the defendant's emails in June 2019, what
15 steps, if any, did you take in response to the defendant's
16 conduct?

17 A. Given what we were seeing, in terms of the emails, which
18 were directed to the partners in the firm and it looked like to
19 others in the firm as well, we engaged a lawyer to help us
20 decide what actions to take.

21 Q. What was that lawyer's name?

22 A. Thomas Moore.

23 Q. And what, if any, additional steps did you take at that
24 time?

25 A. Well, when the emails continued to come in, we hired a

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1 security investigative service to help us get advice and to
2 help us decide how best to handle the situation.

3 Q. What was the name of that security service?

4 A. Sage security or Sage investigations.

5 Q. Why did you engage Sage?

6 A. We felt things had reached such a point, given what we had
7 seen in terms of the emails, in terms of his -- Mr. Dennis
8 showing up at meetings where our partners were present, that we
9 felt we needed to take some additional steps, explore taking
10 additional steps to provide security to the people in the law
11 firm and the New York office in particular.

12 Q. When you say "security," what do you mean by that?

13 A. Well, we wanted to know -- we wanted to have security
14 around the office, so when people were coming and going to the
15 office that they would not encounter Mr. Dennis, if you will,
16 unaware. We wanted to know where Mr. Dennis was as well, as we
17 didn't know what he might be planning or what he might be doing
18 in light of the tone and tenor of the emails we were getting.

19 Q. What did you direct Sage to do?

20 A. We directed them, at that point, to provide security around
21 the office and monitor activity around the office and to try to
22 determine if Mr. Dennis was in the area.

23 Q. Turning your attention to Government Exhibit 520.

24 What is the date of this email?

25 A. Sunday, July 14, 2019.

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1 Q. Who is it from?

2 A. It's from Mr. Dennis at a different Gmail account than he
3 had used in the earlier emails.

4 Q. And what email account is that?

5 A. This is bllj4848@gmail.com.

6 Q. Who is the email to?

7 A. It's addressed to Mr. Bicks.

8 Q. Is it copying anybody else?

9 A. It copies Mr. Vassilakis.

10 Q. Could you read the subject line and then the body of the
11 email.

12 A. Subject line is: In service this morning. And the body of
13 the email is: We are reading this passage "The lord preserves
14 all that love him, but the wicked he will destroy." Amen.

15 Q. Do you recall seeing this email around the time it was
16 sent?

17 A. I do.

18 Q. What do you understand this email to mean?

19 A. Mr. Dennis is sending a piece of biblical scripture which
20 talks about the destruction of the wicked. And in the context
21 of what we were seeing at that time, there's no reason to send
22 anybody an email like this. It's disturbing to see someone
23 quoting scripture about the destruction of the wicked when you
24 have a reason to believe that Mr. Dennis believes you are among
25 the wicked.

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1 Q. Turning your attention to Government Exhibit 523.

2 What is the date of this email?

3 A. August 4, 2019.

4 Q. Who is it from?

5 A. It's from Mr. Dennis.

6 Q. Who is it to?

7 A. It's to Mr. Bicks, the managing partner in New York.

8 Q. Is it copying someone?

9 A. Again, Mr. Vassilakis.

10 Q. Can you please read the body of the email aloud, starting
11 with the bottom email.

12 A. The bottom email reads: Endless unnecessary violence and
13 death. Gun control now. At least 9 dead, 16 injured in mass
14 shooting in downtown Dayton; police say. The shooting took
15 place in the city's Oregon District. Read in ABC News, and
16 then a cite to an Apple News site. The next email sent says:
17 Heading to service now and will pray on this as well as our
18 other issues.

19 Q. What did you understand this email to mean?

20 A. I -- the -- well, there's no reason -- I don't understand
21 the real meaning, no reason for him to send this. There was no
22 communication. There had been no communications or discussions
23 on this topic. My only conclusion is that somehow he wanted to
24 put this idea in front of us, the idea of a mass shooting. And
25 then the notion in the top email, he will pray on this, meaning

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1 the mass shooting, as well as on our issues, is linking two
2 things in the same email, which is disturbing to me, that these
3 are being thought of and discussed or thought of in the same
4 reference point.

5 Q. Why would it be disturbing to link the idea of a mass
6 shooting and your issues?

7 A. Well, it indicated to me possibly that the sender was
8 thinking that he was going to contemplate something, in terms
9 of what he's talking about here, the mass shooting, in terms of
10 the issues he seemed to have with people in the law firm. But
11 we never -- this was new. We had never seen anything like
12 this, the biblical quotes and the mass shooting, they were part
13 of the continuum, as things were getting more and more
14 disturbing.

15 Q. Turning to Government Exhibit 524.

16 What is the date of this email?

17 A. The date is August 6th, 2019.

18 Q. Who is it from?

19 A. It's from Mr. Bicks.

20 Q. I'm sorry, who is it from?

21 A. It's from Mr. Dennis, I'm sorry. It's to Mr. Bicks. I
22 apologize.

23 Q. Is anyone else copied on the email?

24 A. Yes, a series of people copied on it, including
25 Mr. Vassilakis, some other lawyers, partners in the New York

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office.

MR. DENNIS: Your Honor, can we have a sidebar.

THE COURT: All right.

(Continued on next page)

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(At sidebar)

MR. DENNIS: For all the individuals' names who are showing up in these emails that they're saying they were cc'ed, in other words, they received them, will I have an opportunity to call them as witnesses to confirm that this is an email that they actually received?

THE COURT: I'm sorry. I didn't hear you.

MR. DENNIS: They have an opportunity -- this is testimony, it's testimony from -- I assume, it's testimony from, other than Mr. Maletta, but the other parties that are named on there, named in the --

THE COURT: The emails are already in evidence without objection, and he's simply reading what the emails say, so I don't -- after your cross is over if you still have an application to call someone else, I'll consider it then. But so far, I don't see that anything has been introduced that isn't already part of the received evidence. But if the question is you want to call some of the people who these emails were sent to.

MR. DENNIS: Yes. Yes, that's part of the question.

THE COURT: We'll take that up at the end of the day.

MR. DENNIS: Okay, all right.

(Continued on next page)

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1 (Jury present)

2 BY MS. SIMON:

3 Q. Mr. Maletta, turning back to Government Exhibit 524, do you
4 recall seeing this email around the time it was sent?

5 A. Yes, I do.

6 Q. Can you please read the subject line.

7 A. Subject line is: Re: ABC News, at least 9 dead, 16 injured
8 in mass shooting in downtown Dayton, police say.

9 MS. SIMON: Ms. Geier, can you please zoom out.

10 Q. And I direct you to the email at 9:11 p.m. on August 5th.

11 Mr. Maletta, can you please read this email.

12 A. Time for us to wrap things up, there are much bigger issues
13 which need to be addressed.

14 Q. And then returning to the top email in the chain.

15 A. The top email in the chain appears to be a photograph or a
16 screenshot of some sort. And it says, from Sunday service at
17 the top, and then there appears to be a photograph.

18 Q. Can you read what's in the photograph aloud.

19 A. It looks like the first word is worship. Then the text
20 says, fret not thyself because of evildoers -- then the word is
21 cut off, I believe it's neither, the workers of iniquity. And
22 then in bold language, for they shall soon be cut down like
23 green herb. Trust in the lord and do good; so shall thou shalt
24 be fed.

25 Q. And whose words did you just read or is this in the email

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1 from Mr. Dennis?

2 A. Those are from -- they are words from a copy of what
3 appears to be scripture in text, there's a photograph of that
4 embedded into the email.

5 Q. What did you understand this email to mean?

6 A. I wasn't sure what it really meant, but it was disturbing
7 in many ways because it talks about evildoers being cut down
8 like the green herb. And based on what we have been seeing
9 from Mr. Dennis, we had a pretty clear idea who he thought were
10 evildoers. That would be the people he had been emailing and
11 accusing them of things.

12 Q. And just to be clear, who sent this email?

13 A. Mr. Dennis sent it to Mr. Bicks and then cc'ed a number of
14 other partners in the office.

15 Q. Turning to Government Exhibit 525.

16 Who is this email from?

17 A. This is an email from Mr. Dennis.

18 Q. Who is it to?

19 A. It's to Mr. Bicks with a cc to Mr. Vassilakis.

20 Q. What is the date on the email?

21 A. The date is August 8, 2019.

22 MS. SIMON: If you could zoom out, Ms. Geier.

23 Q. Is this one email or a series of emails?

24 A. It appears it is a string of emails. They appear to be
25 sent a few minutes apart.

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1 Q. Who were those emails sent by?

2 A. They were sent by Mr. Dennis, that's his Gmail account.

3 Q. Can you read Mr. Dennis' emails aloud, starting with the
4 bottom email, including the time stamp.

5 A. The bottom email is sent at 4:34 a.m., it says, see
6 article, the suspect's motive appears to be robbery, anger and
7 hate, which is bolded in blue and underscored. At least four
8 dead and two injured in Southern California stabbing rampage;
9 suspect arrested. A series of stabbings and robberies in
10 southern California Wednesday night killed and injured multiple
11 people, police said. Read in USA Today.

12 The next email in the sequence was sent or received at
13 4:37 a.m. from Mr. Dennis. It says, John, this is not good for
14 the country. Do you love our nation? There were 253 mass
15 shootings in 2019 as of Wednesday, according to the
16 not-for-profit Gun Violence Archive.

17 And then the last email above, sent a few minutes after
18 that is, and I assure you this is not fake news, those people
19 did die.

20 Q. Do you recall seeing this email around the time it was
21 sent?

22 A. I do.

23 Q. What did you understand this email to mean?

24 A. Again, it's not -- I don't understand what the meaning
25 really is, just to be the linking of this mass shooting, the

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1 stabbing, the fact that the motive appears to be anger and hate
2 and that's underscored was concerning, very concerning because
3 there was certainly a lot of anger in the other emails we were
4 seeing, and it appears to be linking those to issues Mr. Dennis
5 was having with us and the firm.

6 Q. Turning to Government Exhibit 526.

7 What is the date of this email?

8 A. This is on Sunday, September 1st, 2019.

9 Q. Who is it from?

10 A. It's from Mr. Dennis to Mr. Bicks.

11 MS. SIMON: Ms. Geier, if you could zoom out again,
12 please.

13 Q. Is this one email or a series of emails?

14 A. It's a series of, appears to be, five emails.

15 Q. Who sent all of those emails?

16 A. They're all sent by Mr. Dennis. That's his Gmail address.

17 Q. Can you please read it aloud, starting with the bottom
18 email, including the time stamps.

19 A. The first email is sent at 7:27 p.m. on August 31st, and it
20 says, John, you have to speak up. Substantive legislation to
21 stop the killing. Five dead, 21 injured in shooting in Western
22 Texas; suspect killed. Police said the active shooter was shot
23 and killed at the Cinergy in Odessa.

24 And then the next one sent two minutes later on
25 August 31st, 2019 says, and John why do you think all these

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1 mass shootings have increased dramatically over the past two
2 years?

3 And the next one sent two minutes after that, I know you
4 never change your mind, but really how many more people have to
5 die before you act?

6 And then above that, a few minutes later, at 7:35 p.m., and
7 I know you know more than all of them. But all the law
8 enforcement agencies believe things would be safer if there
9 were less arms, particularly automatic, in the hands of
10 citizens. Think a law enforcement officer lost his life today.
11 Don't you care.

12 And then above that, death toll just increased to seven.
13 That's the final email in the chain, and that was sent -- from
14 the date, it would have been sent very early on Sunday morning
15 on the 1st.

16 Q. What did you understand this email or email chain, I should
17 say, to mean?

18 A. I don't understand what it meant, other than to put notions
19 of mass shootings in front of Mr. Bicks and others, because
20 this is not a topic of conversation anybody had been having
21 before. It has nothing to do with the issues that Mr. Dennis
22 said he was having with the firm. So when we saw this, it was
23 just his effort -- seemed to be part of an effort to put this
24 topic in front of people, the topic that there were mass
25 shootings going on.

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1 Q. Was this email the only email from the defendant in the
2 summer of 2019 referencing mass shootings?

3 A. No, I believe there were several others.

4 Q. Now, after you saw the documents we just looked at,
5 Government Exhibit 520, 523, 524, 525 and 526, what did you do
6 with those emails after you saw them?

7 A. Well, they were sent to Mr. Bicks, shared with Mr. Bicks,
8 of course.

9 Q. I'm sorry, I didn't --

10 A. They were sent to Mr. Bicks, shared with Mr. Bicks.

11 Q. Why did you provide them to Mr. Bicks?

12 A. Several reasons. First of all, they were addressed to
13 Mr. Bicks, and they are on a topic that was at least disturbing
14 to read about, someone is sending emails about mass shootings
15 to you. Second of all, he's the managing partner of the New
16 York office and he has a responsibility for the security in
17 that office. If measures have to be taken for security there,
18 he certainly has to be involved in that decision process.

19 Q. Why did you need to provide the emails to Mr. Bicks?

20 A. Well, the emails were coming into the K&L Gates address,
21 and therefore were being, by rule, diverted to me and to
22 Mr. Tea so we would see them first. But we certainly need to
23 get them in Mr. Bicks' hands. That's why we sent them to
24 Mr. Bicks.

25 Q. Moving on. I'm showing you a document marked Government

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1 Exhibit 528.

2 Who is this email from?

3 A. This is an email from Mr. Dennis. This is another of the
4 email addresses that he used.

5 Q. What email address is that?

6 A. This is rule of law ethics, ruleethics50@gmail.com.

7 Q. How did you know that email address was associated with
8 Mr. Dennis?

9 A. Well, from this and other emails that we saw that used this
10 email address -- and there were many of them -- it was clear
11 that it was Mr. Dennis' address, he often signed it Mr. Dennis.
12 They were often on topics that he raised before and sometimes
13 even forwarded other emails that he had sent to us.

14 Q. Who is this email to?

15 A. This is to a woman, a partner, Ndenisarya Bregasi and to
16 Mr. Cottle, Eric Cottle, with a copy to Greg Vassilakis.

17 Q. What is the date of this email?

18 A. Tuesday, September 10, 2019.

19 Q. Is this one email or is it a series of emails?

20 A. I believe this is part of a series of emails.

21 Q. Who sent all of the emails in this chain?

22 A. They're all from the same email address,
23 ruleethics50@gmail.com, which is one of the Gmail accounts
24 Mr. Dennis was using.

25 Q. Can you please read it aloud, starting with the bottom

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1 email in the chain.

2 A. First email: Are you guys meeting today? I am sure, Eric,
3 Ndenisarya shared with you that she tried to have me arrested
4 at my home. As I shared with you, she is sneaky and not to be
5 trusted. She is willing to endanger women and children to get
6 her coins.

7 Then above was a question: Was it good? In the second
8 email.

9 Q. What did you understand this email to mean?

10 A. Well, first, it's an attack. It looked to be an attack on
11 Ms. Bregasi. And there's a suggestion in it that Ms. Bregasi
12 and Mr. Cottle were having some kind of relationship.

13 MR. DENNIS: Objection, your Honor.

14 THE WITNESS: That's the question --

15 THE COURT: Hang on.

16 Sustained.

17 BY MS. SIMON:

18 Q. Turning to Government Exhibit 529.

19 What is the date of this email?

20 A. September 11, 2019.

21 Q. Who is it from?

22 A. Mr. Dennis at his woc2020 Gmail.

23 Q. Who is it to?

24 A. It's addressed to me, Ndenisarya Bregasi and Mr. Cottle
25 with a cc to Mr. Vassilakis.

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1 Q. Is this one email or a series of emails?

2 A. It's a series of emails. It's two emails, I guess.

3 Q. And who sent the emails in the chain?

4 A. Mr. Dennis.

5 Q. Can you read aloud, starting with the bottom email.

6 A. The bottom email is Nden/Jeff. And Nden, I believe, he
7 means Ndenisarya.

8 Are you guys doing drinks after work today?

9 The next email above that is, maybe Eric could join and
10 make it a three some. Nden, you good with that.

11 Q. Do you recall seeing this email at the time?

12 A. I do.

13 Q. And how did you react to seeing this email?

14 A. Well, this and other emails targeting Ms. Bregasi or sent
15 to Ms. Bregasi were new, they were different, emails addressed
16 to women in the firm, which he had been doing over the summer,
17 and I felt I had to tell Ms. Bregasi about it.

18 MR. DENNIS: Objection.

19 THE COURT: Overruled.

20 BY MS. SIMON:

21 Q. I want to draw your attention to the top email. It says,
22 maybe Eric could join and make it a three some?

23 A. Yes.

24 Q. Do you have an understanding of who Eric is in that email?

25 A. Eric is, I believe, Mr. Cottle, who is a recipient, an

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1 addressee of the email.

2 Q. And were these the only messages that you saw from the
3 defendant suggesting that members of the firm were engaged in
4 sexual affairs?

5 MR. DENNIS: Objection, your Honor.

6 THE COURT: Well, as phrased.

7 But there is a legitimate question lurking there. Why
8 don't you rephrase it.

9 MS. SIMON: Thank you, your Honor.

10 THE COURT: Did you see other messages of this kind?

11 BY MS. SIMON:

12 Q. Did you see other messages of this kind?

13 THE COURT: Good question.

14 MS. SIMON: It was well phrased. I couldn't have
15 improved on it, your Honor.

16 THE WITNESS: I did see other emails, I received other
17 emails.

18 MR. DENNIS: Objection.

19 THE COURT: Overruled.

20 BY MS. SIMON:

21 Q. Turning back to Exhibit 529.

22 What do you understand a three some to be?

23 MR. DENNIS: Objection.

24 A. My understanding is --

25 THE COURT: Hold on. There is an objection. You have

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1 to wait.

2 THE WITNESS: I'm sorry. I beg your pardon, your
3 Honor.

4 THE COURT: Overruled.

5 MR. DENNIS: Is it golf?

6 THE WITNESS: Three some is often a reference to a
7 sexual --

8 MR. DENNIS: Objection.

9 THE WITNESS: Three people engaged in sexual acts.

10 MR. DENNIS: Objection.

11 MS. SIMON: Thank you, Mr. Maletta.

12 THE COURT: Overruled.

13 You may have cross on this, of course.

14 MR. DENNIS: Thank you, your Honor.

15 BY MS. SIMON:

16 Q. What legal steps, if any, did you take in September 2019 in
17 response to the defendant's conduct?

18 A. With our lawyer, we had our lawyer draft a cease-and-desist
19 letter, which is a formal letter telling someone who is engaged
20 in this type of conduct to cease sending emails and contacting
21 the law firm.

22 Q. What is the name of that lawyer?

23 A. The lawyer is Thomas Moore.

24 Q. What was your role with respect to the cease-and-desist
25 letter you just described?

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1 A. I reviewed it and I authorized it to be sent.

2 Q. You have in front of you a folder containing a document
3 marked for identification marked as Exhibit 231A.

4 A. Yes.

5 Q. Do you recognize that document?

6 A. I do.

7 Q. How do you recognize it?

8 A. This is a copy of the cease-and-desist order that Mr. Moore
9 sent at our instruction.

10 MS. SIMON: The government offers Government
11 Exhibit 231A.

12 THE COURT: Any objection?

13 Received.

14 MR. DENNIS: Objection. I'm sorry, your Honor.
15 Objection as to admission of this email.

16 THE COURT: That's what I just asked you.

17 MR. DENNIS: Yes.

18 THE COURT: So you are objecting?

19 MR. DENNIS: Yes.

20 THE COURT: Ground?

21 MR. DENNIS: Speculation, statutory.

22 THE COURT: No, no. I think this is being offered as
23 something that was allegedly sent to you that bears, the
24 government claims, on your state of mind and. Of course, you
25 can have a different position and explore it on cross. But

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1 it's not being offered for its truth. It's just being offered
2 for the fact that this was sent to you. So with that
3 understanding, the objection is overruled.

4 MR. DENNIS: Yes, I received that. It was a prior
5 email that I was --

6 THE COURT: I'm sorry.

7 MR. DENNIS: A prior --

8 THE COURT: Well, we can't go back.

9 (Government Exhibit 231A received in evidence)

10 MS. SIMON: Your Honor, permission to publish
11 Exhibit 231A to the jury.

12 THE COURT: Yes.

13 BY MS. SIMON:

14 Q. Mr. Maletta, what is the date of Government Exhibit 231A?

15 A. It's September 20th, 2019.

16 Q. Who is it from?

17 A. It's from our counsel, Mr. Moore, Thomas Moore.

18 Q. Who is it to?

19 A. It's addressed to Mr. Dennis.

20 Q. There's a street address listed there. Can you please read
21 it aloud.

22 A. 417 West 146th Street, New York, New York.

23 Q. What is that address?

24 A. I understand that to have been Mr. Dennis' address in New
25 York City. It's the address we had for him at the firm.

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1 Q. And there's a list of email addresses there?

2 A. Yes.

3 Q. Can you please read them aloud.

4 A. Woc2020@gmail.com, pmglm71947@gmail.com,
5 bllj4848@gmail.com, htdr123@gmail.com, wd66644@gmail.com,
6 ruleethics50@gmail.com.

7 Q. What are those email addresses that you just read aloud?

8 A. Those are the email addresses from which we received emails
9 being sent by Mr. Dennis to people in the firm.

10 Q. Did you direct that the cease-and-desist letter be sent to
11 those email addresses?

12 A. Yes, we did. I did.

13 Q. Why did you do that?

14 A. Because we associated all of those email addresses with
15 Mr. Dennis and we wanted to be sure, by sending it to all of
16 his email addresses, that he got a copy of the letter.

17 Q. Can you please read the subject line.

18 A. Re: unlawful harassment -- final notice.

19 Q. Were there attachments to the document?

20 A. There were attachments. It was Tab A with attachments to
21 it.

22 Q. Without describing their contents, what were those
23 attachments?

24 A. Those attachments were a collection of emails that he had
25 sent -- and I believe some text messages -- that he had sent to

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1 firm personnel.

2 Q. Drawing your attention to the second paragraph there on the
3 first page.

4 Can you please read it aloud.

5 A. You have been notified repeatedly that your communications
6 directed to firm personnel -- many of which contain statements
7 that are false, offensive, menacing and/or threatening -- are
8 unwelcome and must stop, see e.g. Tab A. Yet, you have
9 persisted in sending them. If you do not immediately
10 cease-and-desist from all efforts to communicate with firm
11 personnel, the firm and affected individuals will have no
12 alternative but to continue to work with law enforcement and
13 pursue all available remedies, including criminal sanctions.

14 Q. Can you please read the next paragraph aloud.

15 A. There is no doubt that your conduct constitutes harassment
16 and menacing. Just since your expulsion from the firm on
17 May 13, 2019, which became necessary in part because of your
18 unrelenting harassment, you have directed more than 1,000
19 emails, text messages and faxes to scores of individuals in the
20 firm. Many of the emails and text messages are sent by you in
21 rapid succession to multiple recipients at virtually all hours
22 of the day and night and without response such that you had to
23 understand the communication was unwelcome.

24 Q. Turning to page 8.

25 Can you please read the first paragraph and then the first

MACGden5

Maletta - Direct

1 few sentences of the next paragraph through the bolded text.

2 A. Take notice that: Henceforth, any further communications
3 with the firm and its personnel must be addressed solely to me.
4 I repeat that last point for emphasis: You are to communicate
5 with no one at the firm. In any manner or form. By any method
6 or medium.

7 Q. After this cease-and-desist letter was sent in
8 September 2019, did the defendant stop sending messages to K&L
9 Gates employees?

10 A. No.

11 Q. Based on the data routed to you, approximately how many
12 messages did the defendant send to K&L Gates email addresses in
13 2019 and 2020 after he was blocked by the firm?

14 A. Several thousand; perhaps 3,000, as many as 3,000.

15 MR. DENNIS: Objection.

16 THE COURT: Ground?

17 MR. DENNIS: Speculation. He had the emails from --

18 THE COURT: I hear you.

19 So how do you know that was the approximate amount?

20 THE WITNESS: I have a -- I collected many of the
21 emails in a folder of my Outlook section that were emails sent
22 after January 31, 2019. I did not collect all of them. I
23 tried to collect most of them. And the count of emails I have,
24 which is exclusive of texts, is about 2,600 or 2,700.

25 THE COURT: All right. Go ahead.

MACGden5

Maletta - Direct

1 BY MS. SIMON:

2 Q. Other than emails, did you see any other types of messages
3 that the defendant sent to K&L Gates employees in 2019 and
4 2020?

5 A. Yes.

6 Q. What types of messages?

7 A. We saw --

8 Q. Besides emails, what other types of messages did you see?

9 A. Aside from emails, I saw copies of text messages that he
10 sent to people in the firm or associated with the firm.

11 Originally, there were some sent in 2019.

12 Beginning in 2020, Mr. Dennis sent almost exclusively text
13 messages to people who were either in the firm or recently
14 retired from the firm.

15 Q. Based on text messages you saw from Mr. Dennis, who were
16 these text messages being sent to?

17 A. Several people. I believe the first series of texts in
18 2020 went to a retired partner of the firm, Mary O'Day, and
19 were directed to her husband, Peter Kalis, who was the former
20 managing partner of the firm. They were sent to Ms. O'Day's
21 telephone number, text messages, but they were addressed to --
22 alternatively or sometimes simultaneously to Ms. O'Day and
23 Mr. Kalis.

24 MR. DENNIS: Objection.

25 A. And she sent me screenshots of these.

MACGden5

Maletta - Direct

1 Q. And any other people to whom you saw text messages?

2 A. Mr. Bicks began to receive text messages, and he sent me
3 copies of the screenshots.

4 MR. DENNIS: Objection.

5 Is this --

6 THE COURT: Sustained. Sustained.

7 BY MS. SIMON:

8 Q. After you saw text messages from the defendant in 2019 and
9 2020, what steps, if any, did you take in response to the
10 defendant's conduct?

11 A. Well, in August --

12 MR. DENNIS: Objection.

13 THE COURT: Overruled.

14 A. In August, the volume and the tenor of text messages were
15 such that we engaged Sage security to provide -- Sage
16 investigations to provide security to one of our lawyers in
17 particular, and the firm paid for that security. We also paid
18 for that lawyer to relocate out of New York City and eventually
19 support her moving to a new address, a more secure address.

20 Q. When was this?

21 A. This was in August and September of 2020.

22 Q. Which lawyer are you referring to that you testified that
23 the firm hired security for and helped relocate?

24 A. The lawyer is Cally Bostick, and she was a -- is a partner
25 in the New York office.

MACGden5

Maletta - Direct

1 Q. Why did you take these steps?

2 A. She expressed to me considerable concern about what she was
3 seeing and receiving, given where she lived and her sense of --
4 what she said was her sense of vulnerability.

5 THE COURT: Counsel, I'm unclear how that question and
6 answer avoids the ban of the hearsay rule.

7 MS. SIMON: Understood, your Honor. I was intending
8 to inquire why Mr. Maletta took certain steps.

9 THE COURT: Yes. But that doesn't open the door for
10 the admission of hearsay for its truth. And it's not clear to
11 me what other relevance it has.

12 Are we going to hear from that witness?

13 MS. SIMON: Ms. Bostick?

14 THE COURT: Yes.

15 MS. SIMON: Yes, your Honor.

16 THE COURT: So I think we need to save it for that.

17 The jury will disregard the last question and answer.

18 BY MS. SIMON:

19 Q. Based on your observations, how did the defendant's conduct
20 in 2019 and 2020 affect the firm's employees?

21 MR. DENNIS: Objection.

22 THE COURT: Sustained.

23 Nice try, but no cigar.

24 Q. As general counsel of the firm, how did the defendant's
25 conduct affect your professional life in 2019 and 2020?

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1 THE COURT: Sustained.

2 You just can't get much help from your colleagues
3 these days. Put another question.

4 MS. SIMON: I will try one more.

5 BY MS. SIMON:

6 Q. Over the course of 2019 and 2020, how much time did you
7 personally spend dealing with the defendant's conduct?

8 THE COURT: Sustained.

9 Congratulations. Even Aaron Judge struck out a few
10 times last night, so this can happen.

11 MS. SIMON: One moment, your Honor. May I have one
12 moment.

13 THE COURT: Yes.

14 (Conferring)

15 MR. DENNIS: Your Honor, can I have a restroom break.

16 THE COURT: I think the government is about to finish.
17 As soon as they're finished, we'll give the jury a
18 mid-afternoon break, and I think that will be useful to you as
19 well.

20 MS. SIMON: No further questions, your Honor.

21 THE COURT: Ladies and gentlemen, we'll take a
22 15-minute break at this time, and then we'll resume.

23 (Jury excused)

24 (Continued on next page)

25 (Jury not present)

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1 THE COURT: And you can take a break as well.

2 THE WITNESS: Thank you, your Honor.

3 THE COURT: We'll see you in 15 minutes.

4 (Recess)

5 (Continued on next page)

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MacWden6

Maletta - Cross

1 THE COURT: OK. Let's get the jury in.

2 (Jury present)

3 THE COURT: All right. Everyone please be seated.

4 Cross-examination.

5 CROSS-EXAMINATION

6 BY MR. DENNIS:

7 Q. Good afternoon, Jeff.

8 I want to start with a couple basic questions. Jeff, what
9 year did you join the firm? What year did you join K&L Gates?

10 A. 1983.

11 Q. 1983. So you have been there for -- well, you probably --
12 how many years?

13 A. 39 years.

14 Q. 39 years. OK. And you are a graduate of which college?

15 A. I went to Harvard College.

16 Q. And you're a graduate of which law school?

17 A. I went to Stanford Law School.

18 Q. Did you receive any recognition or awards while you were at
19 Stanford?

20 A. I was a member of the law review. I guess that's a reward
21 of some sort.

22 THE COURT: Or a function of --

23 BY MR. DENNIS:

24 Q. That's one of the things, highest things that you can
25 receive at law school, one of the highest --

MacWden6

Maletta - Cross

1 THE COURT: No, no. You can ask him that, but you
2 can't testify.

3 Q. Jeff, would you describe what the law review means?

4 THE COURT: I'll cut it short. Is being on the law
5 review generally considered a high honor for a law student?

6 THE WITNESS: Yes.

7 THE COURT: OK.

8 BY MR. DENNIS:

9 Q. So you currently serve as general counsel of K&L Gates?

10 A. I do.

11 Q. When selecting a general counsel for an international,
12 global law firm, what are the qualities that the partners look
13 for in selecting a general counsel?

14 MS. SIMON: Objection.

15 THE COURT: No. I'll allow it within a question or
16 two. I don't think it's generally relevant, but you can
17 inquire a little bit into his background. I'll allow it.

18 Go ahead.

19 A. Well, I can't be sure, since they're asking me to serve as
20 general counsel, exactly what they were looking for, but I did
21 have a lot of experience with the law firm. I've been there
22 for 39 years. And I also had been assistant general counsel
23 for perhaps 15 or 20 years before I became general counsel.

24 Q. Assuming one would think they'd want someone with the
25 highest ethical standards. OK.

MacWden6

Maletta - Cross

1 Just to clarify for the audience, because I want them to
2 know who all the players are, who we're talking about. In your
3 opening and during your examination, you were being questioned
4 as to, I guess you mentioned a number of times Charles Tea?

5 A. Yes.

6 Q. Mr. Tea is the deputy general counsel?

7 A. That is correct.

8 Q. Where does Mr. Tea reside at? What office does he reside
9 out of?

10 A. Mr. Tea is in the Pittsburgh office.

11 Q. OK. Does Mr. Tea have a spouse who also works at the firm?

12 A. Yes, he does.

13 Q. What's her name?

14 A. Her name is Melissa Tea.

15 Q. Does she have a title within the firm?

16 A. I'm not sure -- well, right now, I believe she's something
17 called a practice area leader for litigation.

18 Q. When I was there, that was considered a very prominent
19 post, because we're an international law firm, so practice
20 leader --

21 THE COURT: Whoa, whoa, whoa. Counsel, put a
22 question.

23 BY MR. DENNIS:

24 Q. Could you describe what a practice leader is?

25 A. Practice area leader tries to coordinate the work of a

MacWden6

Maletta - Cross

1 particular practice group -- in this case, litigation.

2 Q. And Ms. Tea is in which office?

3 A. She's in the Pittsburgh office as well.

4 Q. She's in the Pittsburgh office as well.

5 Earlier we had testimony from Mr. Cottle, and Mr. Cottle, I
6 think, joined the firm in -- obviously, just for the record,
7 you obviously know Mr. Cottle; yes?

8 A. I do know Mr. Cottle, yes.

9 Q. He joined the firm in 2004. He's a litigator. During his
10 testimony -- you also mentioned during your testimony that you
11 had received text messages that were sent to Peter Kalis.

12 Which office was Peter Kalis in?

13 A. I was forwarded copies of screenshots of text messages that
14 were sent to his wife, Mary O'Day, but they were addressed to
15 Mr. Kalis. They were sent to her email address and sent -- but
16 they were talking to him in many occasions.

17 Mr. Kalis was the global managing partner. He was
18 originally in the Pittsburgh office, but he also maintained
19 offices, I believe, in -- no, mostly in the Pittsburgh office.
20 That would be correct.

21 Q. And Mary O'Day, which office was she in?

22 A. She was in the Pittsburgh office as well.

23 Q. And Ms. Mary O'Day was the wife of Peter Kalis, correct?

24 A. Yes.

25 Q. And they were both partners at the same time, correct?

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Maletta - Cross

1 A. They were.

2 Q. In the Pittsburgh office?

3 A. That's correct.

4 Q. Mr. Charles Tea and his wife Melissa Tea were both partners
5 at the same time in the Pittsburgh office, correct?

6 A. That's correct.

7 Q. All holding very significant titles within the firm?

8 A. Ms. O'Day did not hold a significant title in the firm.
9 She was a litigator.

10 Q. OK. So when I was questioning Mr. Cottle --

11 THE COURT: No, no, no. Put a question to this
12 witness. Don't discuss what some other witness said or what
13 you asked of another witness.

14 MR. DENNIS: OK.

15 Q. Would any partner who was in the Pittsburgh office since
16 2004 not know that Peter Kalis was a resident in the Pittsburgh
17 office?

18 MS. SIMON: Objection.

19 THE COURT: No. I think that's an argument you can
20 make on summation, but I don't think it's a question for this
21 witness. Sustained.

22 MR. DENNIS: OK.

23 Q. Which office was, is Bob Zinn in?

24 A. Mr. Zinn's in the Pittsburgh office.

25 Q. In your testimony, you mentioned -- you stated that --

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Maletta - Cross

1 which office is -- and what title does Mr. Zinn hold?

2 A. Currently, I don't believe he holds any title.

3 Q. Does he sit on the executive committee?

4 A. No. We don't have an executive committee, by the way. I'm
5 sorry.

6 Q. What is the name of the highest committee that you have in
7 the firm?

8 A. The partnership agreement vests responsibility for managing
9 the firm in a management committee.

10 Q. Uh-huh.

11 A. And that's the entity that manages almost every aspect of
12 the firm's business.

13 Q. OK. Let me go forward for a second. We're going to skip
14 the timeline.

15 When I was voted out of the firm, I was expelled in May of
16 2018, who made the -- what was the name of the committee that
17 made the recommendation to the partners for the expulsion?

18 A. In your question, I think you said 2018.

19 Q. OK.

20 A. It was May of 2019.

21 Q. Thank you.

22 A. And the management committee made a recommendation to the
23 partnership.

24 Q. And who were the members of the management committee?

25 A. At that time there were 16 of them. They were drawn from

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Maletta - Cross

1 all offices of the firm. I can try to list them all from
2 memory. Membership changes over time.

3 Q. That's OK. Was Bob Zinn on the committee?

4 A. He may have been on the committee at that time, yes.

5 Q. May have been. OK.

6 Was Mike Zanic on the committee?

7 A. In May of 2019, he was not.

8 Q. OK. And Bob Zinn is located where?

9 A. Mr. Zinn's in Pittsburgh.

10 Q. OK. And Mike Zanic is located in Pittsburgh?

11 A. Yes, he's in the Pittsburgh office.

12 Q. OK. Earlier, in your statement, earlier in your
13 conversation, you made the claim -- or you made the statement
14 that Mike Zanic was a mentor of Eric Cottle. Eric Cottle
15 earlier did not describe Mike Zanic --

16 THE COURT: No, no, no. You can't do that.

17 BY MR. DENNIS:

18 Q. Why did you describe Mike Zanic as a mentor of Eric Cottle?

19 A. Because that's how I understood their relationship to be.
20 They worked in roughly the same areas, I believe, and they knew
21 each other. And Mr. Zanic was a senior lawyer, and he was a
22 mentor to younger lawyers.

23 Q. Do you know why Mr. Cottle would not think that he was a
24 mentor?

25 MS. SIMON: Objection.

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Maletta - Cross

1 A. I don't know.

2 THE COURT: Sustained.

3 A. It's not an official designation.

4 THE COURT: When the objection is sustained, you don't
5 answer.

6 THE WITNESS: Yes. My apologies.

7 BY MR. DENNIS:

8 Q. Earlier in your examination, you talked about the
9 meeting -- well, let's -- actually, a better place to start is
10 where do you reside, Jeff? Where do you live?

11 A. I live in Washington, D.C.

12 Q. Have I ever been to your home in Washington, D.C.?

13 A. Not to my knowledge.

14 Q. So, you mentioned your travel from Washington, D.C. to New
15 York to meet with me?

16 A. I did, yes.

17 Q. Had you ever traveled from Washington -- and this is in the
18 fall of 2018. Had you ever traveled from Washington, D.C. to
19 meet with me?

20 A. Prior to that time?

21 Q. Yes.

22 A. No.

23 Q. OK. What was the nature of the conversation? What did the
24 conversation -- what were the issues that we covered in the
25 conversation?

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Maletta - Cross

1 A. The matters we covered in the conversation were a number of
2 topics you had raised with, I believe, Mr. Segerdahl, who was
3 the global managing partner, and a series of topics that
4 affected you personally. That took up about half of the
5 conversation.

6 Q. Do you remember what those topics were that made you, for
7 the first time ever -- I'd been at the firm 14 years -- to
8 travel to New York?

9 A. It's not the first time I traveled to New York.

10 Q. To visit with me.

11 THE COURT: I think the pending question is do you
12 remember what those topics were.

13 THE WITNESS: OK. Sorry.

14 A. The topics were -- there was a client we had a relationship
15 with and you had questions about how that relationship was
16 being managed. There was a question about your compensation
17 and whether somebody was affecting, working against your
18 interest in compensation. There was a question, I believe, of
19 a contribution or membership fee be paid to an organization out
20 of the New York budget that you wanted paid, and I think
21 Mr. Bicks said we did not have it in the budget to pay that.
22 And I think the other one, from memory, was your -- a question
23 about whether or not we should invite a judge or why a judge
24 hadn't been invited to speak at the firm in a certain time
25 frame.

MacWden6

Maletta - Cross

1 Those were the topics I remember.

2 Q. So --

3 A. I'm sorry. Those are the business topics that I remember.

4 Q. So just to make sure I have it correctly, we had never --
5 you never traveled before to meet with me in New York, but the
6 reason you came is because, one, some sort of contribution, a
7 budget issue, and something relating to a judge. Is that -- do
8 you remember any information -- you were traveling, just to
9 make sure the record's correct, on behalf of James Segerdahl?

10 A. Mr. Segerdahl asked me to meet with you to communicate with
11 you on these issues because he did not have time at the time to
12 meet with you. So he asked me to do it.

13 Q. Did James Segerdahl comment that 30 days earlier I had
14 talked to him and had given him a presentation about the
15 Microsoft relationship and what -- and the amount of revenues
16 that we had lost?

17 MS. SIMON: Objection.

18 THE COURT: Sustained.

19 By the way, how does Mr. Segerdahl spell his last
20 name.

21 THE WITNESS: S-E-G-E-R-D-A-H-L.

22 THE COURT: Put another question.

23 BY MR. DENNIS:

24 Q. Do you recall during our conversation that we discussed the
25 conflict between Microsoft and Amazon?

MacWden6

Maletta - Cross

1 A. Not in that conversation, no.

2 Q. Do you have any emails -- did I send you an email in the
3 fall of 2018 regarding the Amazon-Microsoft conflict?

4 A. You sent me some emails in which you said there was a
5 conflict between those two companies. In fact, there is not a
6 conflict, but you did send me emails purporting to describe
7 that, yes.

8 Q. You just mentioned the fact that there is no conflict. Did
9 you send in writing a response to me saying that there is no
10 conflict?

11 A. I'm not -- I'm sorry.

12 Q. Did you send me something in writing?

13 A. I'm not --

14 MS. SIMON: Objection. Relevance, your Honor.

15 THE COURT: No. It certainly seems far afield, but
16 I'll allow it. Overruled.

17 Go ahead.

18 A. I'm not sure I did, but I believe Mr. Segerdahl did. But I
19 explained the difference to you. I remember that.

20 Q. As a general counsel of an international law firm,
21 representing multinational companies, is it not appropriate for
22 the general counsel to rule on issues of conflict?

23 A. I give advice on issues of conflict sometimes. Yes, that's
24 true. It's part of my job.

25 Q. Who else in the firm would want to charge you for conflict

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Maletta - Cross

1 resolution?

2 MS. SIMON: Objection.

3 THE COURT: Sustained. Put another question.

4 BY MR. DENNIS:

5 Q. So just to continue our convo, we discussed at the
6 outset -- so we're correct when -- Mr. Maletta, you and I had a
7 meeting in the fall of 2018, discussing various business issues
8 related to the firm, is that correct?

9 A. That was part of the conversation, yes.

10 Q. Did we -- so, I want to continue this timeline and turn to
11 the emails that have been posted today. Other emails that I've
12 seen, they've been short snippets. Did you, as I'm known to be
13 a writer, did you receive emails that had significant more
14 content in them?

15 A. Emails from you, I received many emails that were much,
16 much longer.

17 Q. Did you receive -- did any of the partners receive any
18 emails relating to the article published in December 8 --
19 December of 2018, relating to the sexual harassment --

20 THE COURT: No, no, no. Now, look, first of all, I've
21 ruled on that previously.

22 Second, asking did any of the partners receive, that's
23 hearsay. So put another question.

24 MR. DENNIS: OK. And I'll backtrack, your Honor.
25 What I was referring to was that Mr. Maletta, or Jeff has

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Maletta - Cross

1 talked about this thing about him being the control, so if he
2 was, my understanding was emails were being funneled to him, he
3 was then in turn reading them and then -- that was my -- then
4 sending them out to the partners who he thought was
5 appropriate.

6 Q. Is that -- Mr. Maletta, or Jeff, can you confirm that or
7 clarify my understanding before we go any further?

8 A. After July -- after January 30, that's how it worked.
9 Prior to that time you were sending emails directly to people
10 throughout the firm.

11 Q. OK. Now we're now moving the timeline, and we're in
12 January of 2019. On -- did you see the email that I sent to
13 Jim Segerdahl on January 29 regarding the firm's ten-year \$5
14 million financial loss?

15 A. I probably did. I can't remember it now.

16 Q. That was sent on January 29. What caused you to send an
17 email to me on January 30, at 1:44 a.m. in the morning,
18 claiming that the firm had suspended my access to the office's
19 emails, etc., etc.?

20 A. Prior to that time, you had sent out to people in the firm
21 a series of emails that made demonstrably false claims that you
22 had been told were false by many people, by the target of those
23 emails and by me and by others, alleging that a partner in the
24 firm, senior partner of the firm, head of the Asian practice,
25 was grossly negligent and had cost the firm millions of

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Maletta - Cross

1 dollars.

2 MR. DENNIS: Your Honor, can we have a sidebar?

3 THE COURT: All right.

4 (Continued on next page)

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MacWden6

Maletta - Cross

1 (At sidebar)

2 MR. DENNIS: Mr. Maletta has repeatedly said that I
3 made grossly negligent statements about -- to -- about clients
4 and partners of the firm. One of those clients is Microsoft,
5 and he -- that's the one that's the substance of what we're
6 talking about. He's saying I'm grossly negligent. I need to
7 be able to dive in and say OK, let's talk about it.

8 THE COURT: Well, I agree with that. I totally agree
9 with it. The question you put to him, though, is what caused
10 him, and he's giving the answer, which obviously is an answer
11 favorable to the government's position. So you have a right to
12 say to him: Now, you say I made false statements or I made
13 misleading statements. What statements are you talking about,
14 and how do you know they were false or misleading?

15 You can get into that in any detail you want to, but
16 that's the way you have to go at it.

17 MR. DENNIS: OK.

18 THE COURT: OK?

19 MR. DENNIS: All right.

20 (Continued on next page)

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Maletta - Cross

1 (In open court)

2 BY MR. DENNIS:

3 Q. Jeff, you have, you stated that I made false and misleading
4 statements. What statements are you saying were false and
5 misleading?

6 A. You accused Mr. Tang, who was a partner of many years and
7 head of the Asian practice, of being responsible for lost
8 opportunities and millions of dollars relating to a particular
9 client. Mr. Tang had nothing to do with that client. You
10 repeated that assertion even though Mr. Tang told you that,
11 even after I told you that and others told you that, and you
12 repeated that assertion to others in the firm, repeatedly. And
13 you were asked to stop, and you didn't. That's one.

14 You claim --

15 Q. We'll just -- before we move on, I want to -- you said I
16 asked Mr. Tang, I said Mr. Tang was guilty of mismanagement.
17 Is that --

18 A. I believe you used the word "grossly negligent."

19 Q. Grossly negligent. OK. Describe what I said was grossly
20 negligent about his behavior --

21 MS. SIMON: Objection.

22 BY MR. DENNIS:

23 Q. -- for which --

24 THE COURT: No. I'm going to allow this to a limited
25 extent.

MacWden6

Maletta - Cross

1 What was the specific allegation that Mr. Dennis was
2 making about Mr. Tang?

3 THE WITNESS: That he had been responsible for the
4 loss of millions of dollars in revenue with respect to this
5 client.

6 THE COURT: I'm sorry. Forgive me for interrupting.
7 Responsible in what way?

8 THE WITNESS: That's not clear.

9 THE COURT: Pardon?

10 THE WITNESS: That was not clear, your Honor.

11 THE COURT: Oh, I see. OK. Well, if it wasn't clear,
12 how do you know it was false?

13 THE WITNESS: Because Mr. Tang had nothing to do with
14 this particular client relationship.

15 THE COURT: How did you know that?

16 THE WITNESS: Because I knew Mr. Tang -- his
17 responsibilities were management of the Asian offices and not
18 this client relationship. This was a different client
19 relationship with other lawyers.

20 THE COURT: All right.

21 Counsel.

22 BY MR. DENNIS:

23 Q. So, Mr. Maletta, or Jeff, earlier you were saying that you
24 give out conflict reviews. Other people in the firm do as
25 well. Are you sure you're right about this issue as well, that

MacWden6

Maletta - Cross

1 Mr. Tang was not involved in the relationship?

2 A. Mr. Tang, I believe, was on the management committee in
3 some respects, in some respects general oversight of the firm,
4 but he had no involvement with this particular client -- as a
5 relationship partner or as a managing partner of the work.

6 Q. I sent an email out. I sent an email to Mr. Tang, as you
7 point out, on January 29, stating that I was going to raise
8 these issues with the full partnership as an equity partner,
9 and on January 30, at 1:44 a.m., you suspended access to my
10 offices and emails, the office emails and everything else, and
11 my assistant. Was it related to that email? Was your
12 suspension of my service related to that email I sent to David
13 Tang?

14 A. The intention to send those types of false emails out to
15 the entire firm, after we had asked you many times to not send
16 the emails to the firm but to deal with me and through me with
17 management, was one of the reasons we did what we did at that
18 time.

19 Q. I want to make sure that the jury is clear, that I'm clear
20 in your answer. When you say the entire firm, my
21 communications, correct -- were my communications only being
22 sent to, this communication only sent to partners of the firm?

23 A. Some communications had been --

24 Q. This particular communication.

25 A. I don't know if this email communication was --

MacWden6

Maletta - Cross

1 Q. You don't know?

2 A. -- to partners of the firm, but I believe that's what you
3 said in the email.

4 Q. So, January 29, you don't know if that was sent to the
5 partners in the firm?

6 A. I think that's what you said in the email, but I don't have
7 it in front of me, so I can't tell you for sure.

8 Q. And my emails prior to this point, were they sent to the
9 firm, or were they sent to my partners?

10 A. Some were sent to partners. Some were sent to members of
11 the diversity committee, who were not all equity partners. But
12 they were generally sent to partners in the firm, yes.

13 Q. Are those emails in -- part of the production? Have you
14 produced those emails that I sent to -- that I sent to firm
15 members and not partners?

16 MS. SIMON: Objection.

17 THE COURT: Well, I think he can ask the witness the
18 question whether he or, to his knowledge, someone at K&L Gates
19 produced those emails to the government.

20 Can you answer that?

21 A. Well, I think the emails were produced, and I believe all
22 the emails that I saw, to go back to the previous question,
23 were directed to partners in the firm, either equity partners
24 or income partners in the firm.

25 Q. On January 30, at 1:44 a.m. in the morning, when you

MacWden6

Maletta - Cross

1 informed me that the firm had suspended my access --

2 MR. DENNIS: Actually, can we call up -- it was up
3 there earlier, the email from January 30 at 1:44 a.m.? Can we
4 put that on the screen?

5 THE COURT: Let me ask the government. What's the
6 exhibit number?

7 MS. SIMON: It's Government Exhibit 502.

8 THE COURT: OK. Put that on the screen.

9 BY MR. DENNIS:

10 Q. If we can just revisit -- Jeff, do you have it in front of
11 you? Revisit this. In the very first line, you used the word
12 "we." When you say we, who are you referring to? This is --
13 this is a -- this is an email from you to me. You say we. So
14 who is the we?

15 A. I was speaking for the management group that was dealing
16 with your issues at this point.

17 Q. And who -- obviously, given that this is my life, who was
18 the management group?

19 A. Conversations with Mr. Segerdahl, Mr. Tea, Mr. Caccese, and
20 in some cases perhaps Mr. Bicks. I can't remember whether
21 Mr. Bicks was involved in all of them or not.

22 Q. In the partnership agreement, is there a provision for --
23 is there a provision for suspending a partner?

24 A. There are provisions for the management committee to take
25 what steps are necessary for the management of the firm.

MacWden6

Maletta - Cross

1 There's nothing specific addressing suspension of a partner.

2 Q. Oh, OK. Let's go back to the "we" now. So, it's not a
3 partnership agreement, and correct me if I'm wrong. It's not
4 in the partnership agreement, but the management committee can
5 take action. So in general -- have you ever sent an email like
6 this to any other equity partners of the firm?

7 A. I don't think the need has arisen, so no.

8 Q. By the way --

9 A. -- that I can remember.

10 Q. -- how old is KL Gates?

11 A. Some of the constituent parts of the firm go back early
12 part of the 20th century.

13 Q. OK. So this has never arisen before, an unusual case. So
14 going back to "we," because it is obviously really, really
15 important as to who made this decision, and I'll -- we'll --
16 can you tell us -- you know, obviously, given your
17 background -- who is the "we" that made the decision that night
18 this should be sent out?

19 A. Mr. Segerdahl, with input from me, Mr. Tea and Mr. Caccese
20 as well. And I believe Mr. Bicks.

21 Q. Was Mr. Bicks on the management committee?

22 A. Not at that time, no.

23 Q. So we -- we have this email going out that is not covered
24 by the exec -- not covered by the partnership agreement, but
25 the exec -- the management committee has the right to do this,

MacWden6

Maletta - Cross

1 and correct me if I'm wrong, the management committee at that
2 time was about 16 partners. Is that right?

3 A. I believe so, yes. 16 partners.

4 Q. 16 partners?

5 A. I'm sorry. I missed the first part of your question.

6 Q. OK. Management committee was approximately 16 partners?

7 A. At that time approximately 16, yes.

8 Q. And we -- so right now, so this email -- but this email,
9 which is suspending all my resources, is basically being done
10 by, correct me if I'm wrong, you said yourself, Mr. Caccese,
11 Mr. Tea, and Mr. Bicks. Is there anyone else?

12 A. Mr. Segerdahl, who is --

13 Q. The --

14 A. Mr. Segerdahl is the global managing partner of the firm.

15 Q. And Mr. Bicks was not on the executive committee, was not
16 on the management committee?

17 A. Not at that time, no.

18 Q. So out of those, out of those 16, there were four
19 individuals who essentially were making that decision with one,
20 Mr. Bicks, Mr. Bicks being in the room, being a partner -- and
21 why was Mr. Bicks in the room?

22 A. As I said earlier, I'm not sure he was.

23 Q. Oh, you're not sure.

24 A. But I believe he was involved in the process at some point.
25 But I'm not certain he was.

MacWden6

Maletta - Cross

1 Q. So --

2 THE COURT: When you said that Mr. Segerdahl is the
3 global managing partner, what does that entail?

4 THE WITNESS: Global managing partner, roughly akin to
5 a CEO to the extent you can have one in a law firm, he's
6 responsible for the day-to-day management of the firm. He is
7 the, if you will, I think the chief executive officer may be
8 the best answer, way to describe him in general terms. He has
9 the ability to make decisions that affect the firm. He has the
10 ability to act for the management committee in exigent
11 circumstances and subject to the management committee's review.

12 BY MR. DENNIS:

13 Q. Let's go to the second paragraph. Can you read that second
14 paragraph aloud, please.

15 A. "Effective immediately your access to the firm's email and
16 IT systems has been suspended. Your key card access to the
17 office has also been suspended, and you should not come into
18 the office until advised that you may do so. We will make
19 arrangements to monitor your inbox and will forward any
20 client-related matters to appropriate lawyers in the firm. We
21 also will forward any personal emails to you at an email
22 address you provide."

23 Q. Since you're the author of this email -- I asked Mr. Cottle
24 this earlier, but if I lost my -- upon losing my email, access
25 to my IT systems, how was I supposed to service my clients on

MacWden6

Maletta - Cross

1 Wednesday morning at 9 a.m.? How was I -- what -- how was I
2 supposed to service my clients?

3 A. At the time you were not actively really representing,
4 doing much day-to-day work on client matters. They were being
5 serviced by other partners in the firm, and we made
6 arrangements for any communications that came in to your email
7 address about client matters to be routed to those clients --
8 to those lawyers, rather.

9 Q. So let me make sure I understand. You're saying at the
10 time, after 14 years at the firm, I was not really doing any
11 legal work to -- for me to worry about client needs or client
12 responsibility. Is that --

13 A. All the matters, all the matters were being effectively
14 handled by other lawyers in the firm, and they had the
15 day-to-day responsibility for the matters. You, in fact,
16 billed very little time in 2018.

17 Q. Thank you, Jeff.

18 So on the matters that were going on, can you read the
19 second-to-the-last paragraph -- second-to-last sentence in that
20 paragraph again: "We will"?

21 A. "We will make arrangements to monitor your inbox and will
22 forward any client-related matters to the appropriate lawyers
23 in the firm."

24 Q. So at 1:44 a.m. in the morning, I guess this -- correct me
25 if I'm wrong, this team of four had made this decision to

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Maletta - Cross

1 suspend these services but at the same time had made the
2 appropriate arrangements so that no clients were being injured
3 at 9 a.m. the next morning. Is that accurate?

4 A. We were in a position to do that, yes. It was very little
5 client email coming in to your inbox.

6 Q. And so -- and the clients that were -- what -- where did
7 they -- who's servicing them and who's getting the recognition
8 credit for the matters?

9 MS. SIMON: Objection.

10 THE COURT: Well, sustained, among other reasons,
11 because it's a compound question. There may be a question
12 there you can put, but not the one you put.

13 MR. DENNIS: I'll move on, your Honor.

14 THE COURT: All right.

15 Mr. Dennis, just so I can keep in mind the schedule
16 for the jury, can you give me a ballpark of how much more you
17 have?

18 MR. DENNIS: I probably, at least another -- about 45
19 minutes.

20 THE COURT: I'm sorry. I can't hear you.

21 MR. DENNIS: About 45 minutes.

22 THE COURT: Yes. OK. I'm going to give you whatever
23 time you want. I just wanted to know if you think you can
24 finish -- you're not compelled to, but if you think you can
25 finish in 45 minutes, then I'll ask the jury to stay five

MacWden6

Maletta - Cross

1 minutes late so we can finish it. If you don't, if you think
2 that's not going to happen, maybe you should go for a half
3 hour, and then we'll excuse the jury until tomorrow, whichever
4 you prefer.

5 MR. DENNIS: OK. Let's do a half an hour and excuse
6 the jury go until tomorrow.

7 THE COURT: All right. That's fine.

8 BY MR. DENNIS:

9 Q. So, Mr. Maletta, I think we were looking at the third
10 paragraph. Can you read that first sentence?

11 A. "We will be making a financial proposal to you shortly as
12 part of your overall separation from the firm."

13 Q. And how soon after you sent this email did you make the
14 financial proposal?

15 A. I think we made it either later the same day or the next
16 day. We had it ready prior to the time that this happened, but
17 we sent it out afterwards, I believe -- no, I'm sorry. It's
18 not -- we sent it out afterwards.

19 Q. Yeah. I have it as 6:03 p.m. on January 30.

20 At one point you made the comment during examination that I
21 had asked for \$20 million. Do you have any -- do you have
22 anything in writing that showed prior to you making this
23 financial proposal that I asked for \$20 million?

24 A. No. The \$20 million number comes from your response.
25 Prior to that time you asked -- made several proposals for

MacWden6

Maletta - Cross

1 millions of dollars, sometimes not particularly distinct how
2 many millions of dollars, but you had put that number forward.

3 Q. OK. I just heard -- I -- the first time I heard 20 million
4 was from you today.

5 THE COURT: No, no, no. Counsel, you cannot testify.

6 MR. DENNIS: OK. All right.

7 Q. So prior to January 30, January 29, I sent emails to, as
8 you said -- well, I sent emails to many, many partners on the
9 same email trail. Have you submitted any of those emails to
10 the government?

11 A. The government has made requests for documents, as I
12 understand it, and we've provided the documents.

13 Q. I understand, but the request, since you're the general
14 counsel, you were reviewing -- I sent emails with many
15 partners' names listed on there. As you pointed out, I was
16 sending it -- I have not seen any of those emails with all
17 those partners in the content --

18 THE COURT: Sustained.

19 BY MR. DENNIS:

20 Q. Can you read for us, the jury, the second sentence in the
21 third paragraph?

22 A. "Going forward, with respect to all firm and client-related
23 matters, we again request that you communicate exclusively with
24 me or with the firm's deputy general counsel, Chip Tea, at
25 charles.tea@klgates.com.

MacWden6

Maletta - Cross

1 Q. As I had clients at the firm, was there a reason why the
2 firm did not or you and, I guess, the executive committee or
3 the management committee did not want me to communicate with
4 any of the partners at the firm?

5 A. Because, for the reasons we explained, the prior
6 communications were viewed, in large measure, as harassing,
7 obstructing the business, interfering with the business of the
8 firm, and making statements that weren't true.

9 Q. OK. So that we --

10 A. It was interfering with the business of the firm.

11 Q. Just to make sure our timeline is clear, were any of those
12 emails deemed to be intimidating, or did anyone feel any
13 physical fear?

14 A. I don't know what people were actually feeling. I know
15 what I was told by people.

16 (Continued on next page)

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MACGden7

Maletta - Cross

1 BY MR. DENNIS:

2 Q. Or were you told by people that they felt physically in
3 danger?

4 A. They felt that they were being -- some people mentioned
5 harassment and some people felt they were menacing.

6 Q. Are you able to identify any emails where, prior to
7 January 30th, 2019, that people said that they felt they were
8 being menaced?

9 A. I can't put my finger on an email right now.

10 I do remember the comments from one individual. And I
11 remember comments from another individual.

12 Q. Which partners made those comments to you?

13 A. Ms. Wahi conveyed comments about harassment to me. And
14 Mr. Tang expressed concern to me about the tone of a number of
15 the emails and texts that you had sent to him.

16 Q. So earlier you testified that Mr. Tang was in Asia; is that
17 correct?

18 A. He is in Asia most of the time. His family lives in -- and
19 he's in the Seattle office sometimes, and his family lives in
20 Seattle.

21 Q. So his family is in Seattle, he's in Asia. I want to be
22 clear, did he feel physical --

23 A. I don't know what he felt.

24 Q. Did he communicate to you that he felt physically in
25 danger?

MACGden7

Maletta - Cross

1 A. He expressed concern to me about the tone and tenor of the
2 emails.

3 Q. And just to make clear -- because I know I don't want the
4 jury -- the emails I sent to him related to -- what did it
5 relate to?

6 A. Well, the general subject matter was a particular client
7 matter and your accusations against him. The repetitive nature
8 of the emails and the comments about him were insulting on top
9 of that.

10 Q. So would it be appropriate to say the emails were basically
11 about business issues?

12 A. Not entirely, no. It was a little bit of that in there,
13 but a lot more criticism of his conduct.

14 Q. Have you submitted to the government any emails to
15 validate what you have just -- what you just stated?

16 A. We've produced emails that are in our possession that the
17 government has asked for.

18 Q. As the general counsel of K&L Gates, an international law
19 firm, who -- I expect Mr. Tang communicated with you. Would
20 Mr. Tang have communicated with you first these concerns?

21 MS. SIMON: Objection.

22 THE COURT: Sustained.

23 But just so we can move this along. The emails that
24 led to the separation and ultimately termination of Mr. Dennis
25 concerned mostly his allegations against Mr. Tang or did they

MACGden7

Maletta - Cross

1 include other matters?

2 THE WITNESS: They included other individuals.

3 THE COURT: What were the other matters?

4 THE WITNESS: He made allegations against a partner
5 named Paul Sweeney, that Mr. Sweeney had been grossly negligent
6 and had worked against Mr. Dennis by trying to get Mr. Dennis'
7 compensation reduced.

8 THE COURT: And so I think what Mr. Dennis is
9 inquiring about is were those emails basically complaints he
10 had about the performance, as he alleged it, of these two
11 partners?

12 THE WITNESS: In some respects, yes, your Honor.

13 THE COURT: Okay. But what troubled the firm was that
14 both these were, in the firm's view, inaccurate, but also they
15 were becoming vociferous and multitudinous; is that a fair
16 statement?

17 THE WITNESS: That's a fair statement, your Honor.
18 And they were also disruptive to the people receiving them.

19 THE COURT: I'm sorry, Mr. Dennis, just to try to move
20 this along.

21 So is it fair to say that, at that point -- as opposed
22 to later -- the focus was not so much on whether these were
23 causing emotional distress as opposed to whether they were
24 being disruptive of the business of the firm; is that correct?

25 THE WITNESS: I think that's mostly correct, your

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Maletta - Cross

1 Honor.

2 THE COURT: Okay.

3 THE WITNESS: They were very disruptive to the firm.

4 That was --

5 THE COURT: Later on, if I understood your earlier
6 testimony, there were emails that you believed went a step
7 further to inflicting emotional distress.

8 Do I have that right?

9 THE WITNESS: That's correct, your Honor.

10 THE COURT: So given that, Mr. Dennis, I wonder if you
11 want to focus more on the later periods because that's really
12 where the dispute seems to be, which is why I put those
13 questions.

14 MR. DENNIS: I think, your Honor, one of the things
15 that I had promised to the jury when I was -- was that I want
16 to make sure that there was a distinction that there was --
17 there's a distinction between the period when the emails were
18 just business related and when they turned to a much more
19 aggressive tone, so I was trying to -- and I think this
20 January 30th is a --

21 THE COURT: Forgive me for interrupting, but I think
22 that's what the witness just confirmed, which was that, while
23 the firm was very unhappy with your emails and your accusations
24 and ultimately decided to terminate you, the focus on emotional
25 distress, which is what this jury has to look at among other

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Maletta - Cross

1 things, was primarily the product of later emails. So I don't
2 think there's major disagreement between you and the witness on
3 that point. That's why I'm hoping that this might move things
4 along.

5 MR. DENNIS: I'm going to -- with your Honor's sort of
6 guidance, I'm going to try to move it along. I have a few more
7 questions --

8 THE COURT: I'm going to give you all the time you
9 want. I'm just trying to focus it.

10 Ultimately, as the jury has already heard from me,
11 they need to decide whether you intentionally used emails and
12 text messages to inflict substantial emotional harm on various
13 people. And while the witness has said that maybe there is
14 some of that earlier on, he has admitted that, at least from
15 his perspective, it was the later emails that were of that
16 nature.

17 The earlier ones were of this disruptive nature, and
18 the business took steps that they thought were appropriate from
19 a business standpoint. But the jury is not concerned with
20 business.

21 The jury is concerned with whether the allegations
22 that the government made about emotional distress and
23 threatening and things like that have been proved. And I'm
24 just suggesting, for your consideration, that you might want to
25 focus on those later emails, because that's where the dispute

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Maletta - Cross

1 seems to lie.

2 MR. DENNIS: Yes, my plan is, certainly -- that's why
3 I said we would need more time. So my plan is to focus in on
4 those. Also, my plan is to make sure that my state of mind --
5 Jeff -- may I proceed, and then you can help guide me, because
6 I don't know exactly how to --

7 BY MR. DENNIS:

8 Q. Jeff, upon suspending my services and essentially losing my
9 client base, was there any consideration given to what I would
10 be able to do next and how I would be able to provide for my
11 family on February 1st?

12 MS. SIMON: Objection.

13 THE COURT: Again, maybe to help move things along. I
14 assume that you were, to use the vernacular, pissed at what had
15 occurred -- maybe that's too weak a term -- but you were very
16 upset that you had been terminated; first suspended, then
17 terminated. The question for the jury is whether -- it doesn't
18 matter whether you were right or wrong. The question is what
19 acts you then took and did you do them intentionally to create
20 emotional distress or did you do them just because you were
21 ticked off.

22 So again, I think the focus is much more on the later
23 events. But I think the jury understands already that you and
24 the management of this firm were no longer looking kindly at
25 each other.

MACGden7

Maletta - Cross

1 (Pause)

2 THE COURT: I tell you what, Mr. Dennis, do you want
3 to break now. That will give you a chance to gather your
4 thoughts overnight, and then we can finish with this witness
5 tomorrow.

6 MS. SIMON: Your Honor, may we have a quick sidebar
7 before the jury is excused.

8 THE COURT: Sure.

9 (Continued on next page)

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MACGden7

Maletta - Cross

1 (At sidebar)

2 MS. SIMON: The government understands if this is how
3 the Court wanted to proceed. I wanted to make the Court aware
4 that my understanding is that this witness has -- his family is
5 expecting him back home tonight, and he has travel plans
6 tonight. And I am curious --

7 THE COURT: I am sympathetic to that. I will
8 apologize to him once we have excused the jury. Mr. Dennis has
9 a right to have a full cross-examination of this important
10 witness.

11 I was trying to be very helpful to him by moving
12 things on and trying to get him to focus on where I think the
13 real dispute is, but it's his call. He's representing himself.

14 And the record should reflect that there was at this
15 stage a very long pause, and it was clear to me that Mr. Dennis
16 was thinking about where he wanted to go next. And I don't
17 want to artificially force him to make that decision quickly.
18 So I do apologize to the witness. I will say that directly to
19 the witness. But I think we have to continue with this witness
20 tomorrow.

21 Now, having said that, Mr. Dennis, I'm going to give
22 you no more than a half hour with this witness tomorrow. I
23 don't think there's any basis for going more than that. You
24 have already gone 40 minutes or so. Okay?

25 MR. DENNIS: Okay, your Honor.

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Maletta - Cross

MS. SIMON: Thank you, your Honor.

(Continued on next page)

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Maletta - Cross

1 (Jury present)

2 THE COURT: Ladies and gentlemen, the lawyers are very
3 upset with me because I'm threatening to let you go a few
4 minutes early again. I'm a recidivist. But notwithstanding
5 how tough they are, I'm going to let you go now.

6 I really appreciate the fact you were all here at 9:30
7 this morning. So let's be sure we're all here at 9:30
8 tomorrow, and we'll start promptly at 9:30. We'll see you
9 tomorrow.

10 (Jury excused)

11 (Continued on next page)

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1 (Jury not present)

2 THE COURT: So let me apologize to the witness. As
3 you can see, when we have a pro se situation, I can't really
4 control the time quite the way I would otherwise. And I know
5 you had travel plans. I have told Mr. Dennis he'll be limited
6 to a half hour to complete his cross tomorrow, so you should be
7 out of here by 10:30, I would think. But in any event, my
8 apologies.

9 Anything further we need to raise with counsel?

10 MS. SIMON: Yes, your Honor, one brief issue the
11 government would like to raise.

12 I wanted to note that the government very likely would
13 like to request an instruction regarding the discovery in this
14 matter. The government produced to Mr. Dennis --

15 THE COURT: All right. So why don't you prepare
16 something you can hand up to me tomorrow. And why don't we all
17 convene at 9:20, and then I'll go over and show it, of course,
18 to Mr. Dennis in advance so he can respond to it.

19 MS. SIMON: That's perfect, your Honor. Thank you.

20 THE COURT: We'll see you all tomorrow at 9:20.

21 (Adjourned to October 13, 2022, at 9:20 a.m.)
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